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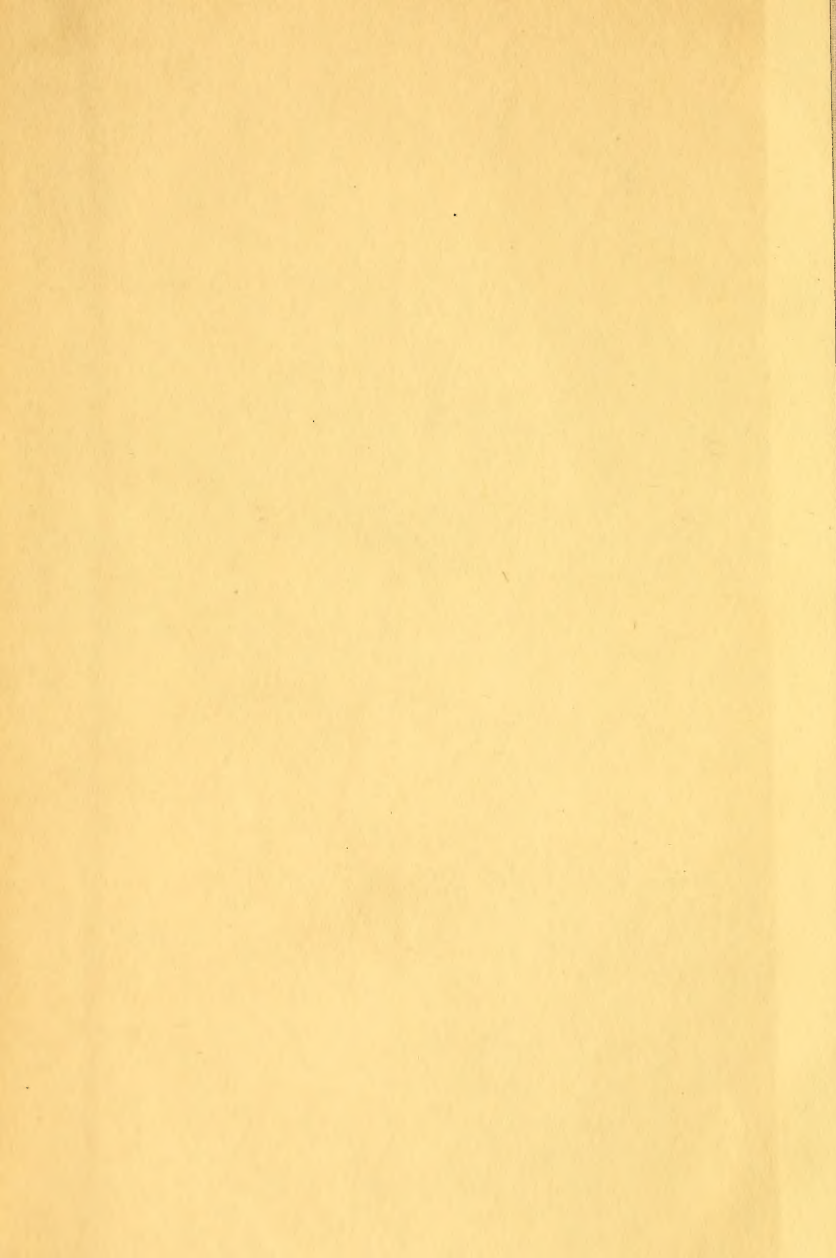
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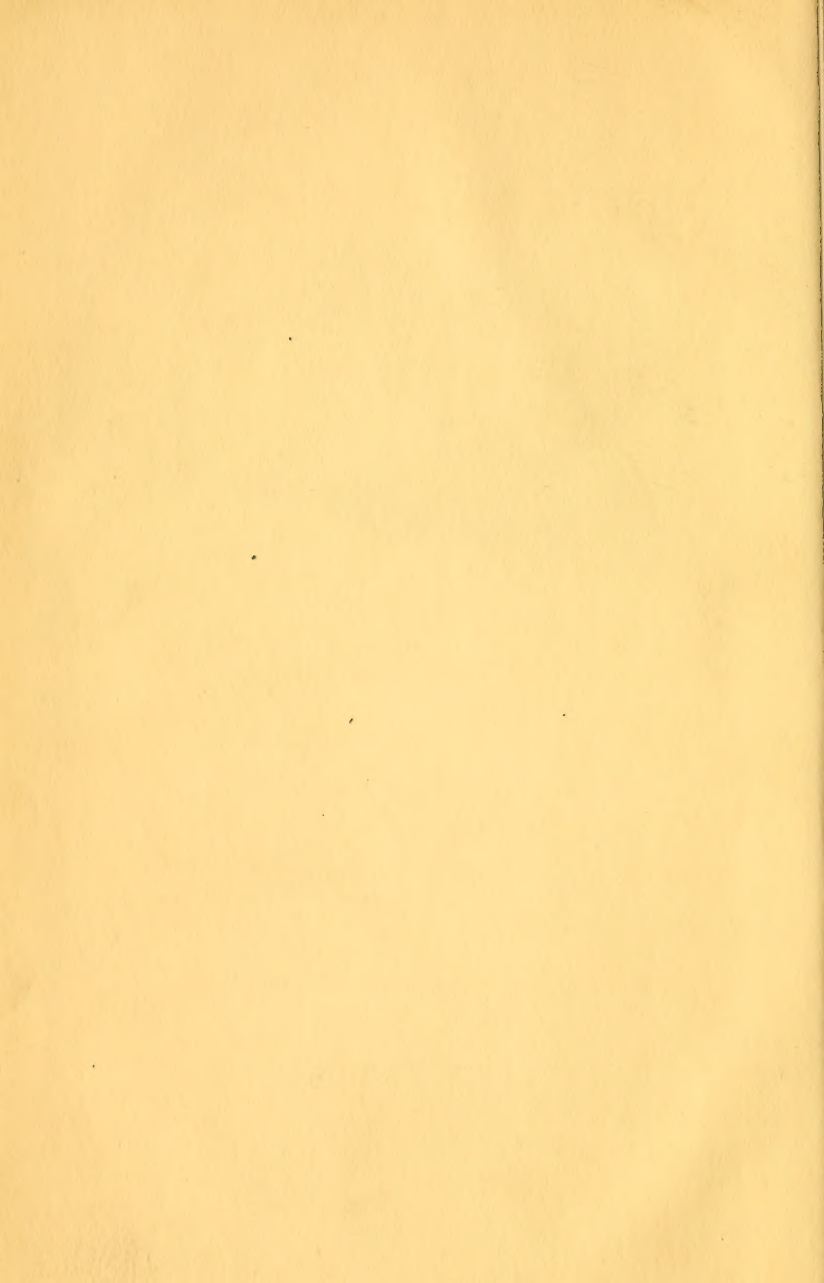












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# PUBLIC DOCUMENTS

OF

## THE UNITED STATES,

FROM THE

ACCESSION OF GEORGE WASHINGTON TO THE PRESIDENCY, EXHIBITING A COMPLETE VIEW OF OUR FOREIGN RELATIONS SINCE THAT TIME.

IN TEN VOLUMES.—VOL. IV.

---

SECOND EDITION.

PUBLISHED UNDER THE PATRONAGE OF CONGRESS.

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INCLUDING

CONFIDENTIAL DOCUMENTS,

NOW FIRST PUBLISHED.

BOSTON:

PRINTED AND PUBLISHED BY T. B. WAIT AND SONS.

1817.



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DISTRICT OF MASSACHUSETTS, TO WIT:

DISTRICT CLERK'S OFFICE.

BE it remembered, that on the twenty-eighth day of October, A. D. 1816, and in the forty-first year of the Independence of the United States of America, Thomas B. Wait and Sons, of the said district, have deposited in this office the title of a book, the right whereof they claim as proprietors, in the words following, to wit:

"State Papers and Publick Documents of the United States, from the accession of George Washington to the Presidency, exhibiting a complete view of our Foreign Relations since that time. In ten volumes. Second edition. Published under the patronage of Congress. Including Confidential Documents, now first published."

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JNO. W. DAVIS,  
Clerk of the District of Massachusetts.

8-11-18  
5-20-31

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ACCOMPANYING THE PRESIDENT'S MESSAGE OF APRIL 3,  
1798.

[Continued from Vol. III.]

*October 30.*

IMMEDIATELY after breakfast the subject was resumed. M. Y. spoke without interruption for near an hour. He said that he was desirous of making a last effort to serve us, by proposing something which might accommodate the differences between the two nations; that what he was now about to mention, had not by any means, the approbation of the directory; nor could M. Talleyrand undertake, further than to make from us the proposition to the directory, and use his influence for its success: that last week M. Talleyrand could not have ventured to have offered such propositions; but that his situation had been very materially changed by the peace with the emperor: by that peace he had acquired in an high degree, the confidence of the directory, and now possessed great influence with that body; that he was also closely connected with Buonaparte and the generals of the army in Italy; and was to be considered as firmly fixed in his post, at least for five or six months: that under these circumstances he could undertake to offer, in our behalf, propositions which before this increase of influence, he could not have hazarded. M. Y. then called our attention to our own situation, and to the force France was capable of bringing to bear upon us. He said that we were the best judges of our capacity to resist, so far as depended on our own resources, and ought not to deceive ourselves on so interesting a subject. The fate of Venice was one which might befall the United States. But he proceeded to observe, it was probable we might rely on forming a league with England. If we had

such a reliance it would fail us. The situation of England was such, as to compel Pitt to make peace on the terms of France. A variety of causes were in operation which made such an effect absolutely certain. To say nothing of the opposition in England to the minister and to the war, an opposition which the fears of the nation would increase; to say nothing of a war against England which was preparing in the north; an army of one hundred and fifty thousand men, under the command of Buonaparte, spread upon the coast of France, and aided by all the vast resources of his genius, would most probably be enabled to invade England; in which event their government would be overturned: but should this invasion not be absolutely effected, yet the alarm it would spread through the nation, the enormous expense it must produce, would infallibly ruin them, if it was to be continued; and would drive them to save themselves by a peace: that independent of this, France possessed means which would infallibly destroy their bank and their whole paper system. He said he knew very well it was generally conjectured that Buonaparte would not leave Italy, and the army which had conquered under him, and which adored him: he assured [us that] nothing could be more unfounded than the conjecture; that Buonaparte had for more than ten days left Italy for Rastadt, to preside over the Congress which was formed for adjusting the affairs of the empire. He said that Pitt himself was so confident of the absolute necessity of peace, that after the naval victory over the Dutch, he had signified his readiness to treat on the same terms which he had offered before that action: we could not then rely on the assistance of England. What, he asked, would be our situation if peace should be made with England before our differences with France would be accommodated? But, he continued, if even England should be able to continue the war, and America should unite with her, it would not be in our power to injure France. We might indeed wound her ally; but if we did, it would be so much the worse for us. After having stated the dangers attending us, if we should engage in the war, he proceeded to the advantages we might derive from a neutral situation: and insisted at large on the wealth which would naturally flow into our country, from the destruction of England. He next proceeded to detail the propositions which are in sub-

stance in the paper annexed, marked (A.) except that he insisted that we should engage to use our influence with our government for the loan. He stated expressly, that the propositions were to be considered as made by us; that M. Talleyrand would not be responsible for the success of any one of them; he would only undertake to use his influence with the directory in support of them. The proposition, he said, concerning a suspension of hostilities on the part of France, was one which proceeded entirely from himself; M. Talleyrand had not been consulted upon it; and he could not undertake to say that that gentleman would consent even to lay it before the directory. The proposition for an advance to the government of France of as much money as was due from it to our citizens on contract, and as might be determined to be due for vessels improperly captured and condemned, was, he said, indispensable: unless we made that it was unnecessary to make any other; for the others would not be received. He expatiated on the vast advantages we should derive from delay; it was, he said, absolutely to gain our cause. He returned to the danger of our situation and the policy of making with France any accommodation which France would assent to. Perhaps, said he, you believe that in returning and exposing to your countrymen the unreasonableness of the demands of this government, you will unite them in their resistance to those demands: you are mistaken: you ought to know that the diplomatic skill of France and the means she possesses in your country, are sufficient to enable her, with the French party in America, to throw the blame which will attend the rupture of the negotiations on the federalists, as you term yourselves, but on the British party, as France terms you; and you may assure yourselves this will be done. He concluded with declarations of being perfectly disinterested; and declared that his only motives for speaking thus freely were his friendship for M. Talleyrand, and his wish to promote the interests and peace of the United States. We told him that the freedom with which he had spoken, and which was agreeable to us, would induce us to speak freely also; and for once to accompany our view of the present state of things with a retrospect of the past: that America was the only nation upon earth which felt and had exhibited a real friendship for the Republick of France: that among



the empires round her, which were compelled to bend beneath her power and to obey her commands, there was not one which had voluntarily acknowledged her government, or manifested for it, spontaneously, any mark of regard : America alone had stepped forward and given the most unequivocal proofs of a pure and sincere friendship, at a time when almost the whole European world, when Austria, Germany, Prussia, Russia, Spain, Sardinia, Holland, and Britain, were leagued against France : when her situation was in truth hazardous, and it was dangerous to hold even friendly intercourse with her, America alone stood forward, and openly and boldly avowed her enthusiasm in favour of the Republick, and her deep and sincere interest in its fate. From that time to the present, the government and people of the United States have uniformly manifested a sincere and ardent friendship for France, and have, as they conceive, in no single instance given to this Republick just cause of umbrage : if they have done so, they wish it to be pointed out to them. After the determination of France to break off all regular intercourse with them, they have sent three envoys extraordinary to endeavour to make such explanations as might produce reconciliation : these envoys are prepared to investigate, and wish to investigate any measures which may have given offence ; and are persuaded that they can entirely justify the conduct of their government. To this distant, unoffending, friendly Republick, what is the conduct and the language of France ? Wherever our property can be found she seizes and takes it from us ; unprovoked, she determines to treat us as enemies, and our making no resistance produces no diminution of hostility against us ; she abuses and insults our government, endeavours to weaken it in the estimation of the people, recalls her own minister, refuses to receive ours, and when extraordinary means are taken to make such explanations as may do away misunderstandings, and such alterations in the existing relations of the two countries as may be mutually satisfactory and may tend to produce harmony, the envoys who bear these powers are not received ; they are not permitted to utter the amicable wishes of their country ; but, in the haughty style of a master, they are told that unless they will pay a sum to which their resources scarcely extend, that they may expect the

vengeance of France, and like Venice be erased from the list of nations; that France will annihilate the only free Republick upon earth, and the only nation in the universe which has voluntarily manifested for her a cordial and real friendship! What impression must this make on the mind of America, if without provocation France was determined to make war upon us, unless we purchased peace? We could not easily believe that even our money would save us: our independence would never cease to give offence, and would always furnish a pretext for fresh demands. On the advantages of neutrality it was unnecessary to say any thing: all the efforts of our government were exerted to maintain it; and we would never willingly part with it. With respect to a political connection with Britain, we told him that America had never contemplated it. Whether the danger he represented that government to be in was or was not real we should not undertake to decide: Britain we believed had much reason to wish for peace; and France had much reason to wish for peace also: if peace already existed it would not change the course America would pursue. M. Y. manifested the most excessive impatience: he interrupted us and said, This eloquent dissertation might be true: America might have manifested and he believed had manifested great friendship for France, and had just complaints against her; but he did not come to listen to those complaints. The minister would, on our request, make for us certain propositions to the directory; he had stated them to us; and all the answer he wished was, yes or no; did we or did we not solicit the minister to make the propositions for us? We told him that without going further into the discussion, we chose to remark one or two things: they were, that the existing treaty gave to France certain advantages which were very essential; that especially the American coast afforded a protection near two thousand miles in extent to the prizes made by France on her enemies, and refused that protection to the prizes taken from her; that she might be assured, that in case of war these advantages would be lost for ever. We also told him we were convinced that France miscalculated on the parties in America: that the extreme injustice offered to our country would unite every man against her. M. X. informed us that M. Talleyrand would not consent even to lay this

proposition before the directory without previously receiving the fifty thousands pounds, or the greater part of it. M. Y. left in writing his propositions, and we returned the answer annexed and marked (B).

*November 1.*

It was at length agreed that we would hold no more indirect intercourse with the government.

*November 3.*

M. X. called on us, and told general Pinckney and general Marshall (Mr. Gerry not being within) that M. Y. wished once more to see us. We answered, that we should at any time be glad to see M. Y. as a private gentleman: but that if his object was only to repeat his propositions for money, it was perfectly unnecessary to do so; because on that subject it was impossible for us to change the answer we had already given. We told him further, that we considered it as degrading our country to carry on further such an indirect intercourse as we had for some time submitted to, and had determined to receive no propositions, unless the persons who bore them had acknowledged authority to treat with us. He said that perhaps M. Y. might have written powers from the minister; and we replied, that if he had we should receive his communications with pleasure. He spoke of a probable peace with England, and having requested us to be at home in the afternoon, left us.

About three o'clock he came, and after some conversation, in which we repeated in substance what is stated above, he showed us a paper, which he said was a copy of a letter prepared for us, by M. Talleyrand, requesting an explanation of part of the President's speech, and which he said would be sent, unless we came into the propositions which had been made us. We wished to take a copy of it, which he declined permitting, saying, he was forbidden to allow it. We spoke of the letter coming to us as a measure we had no expectation of preventing; and he said he could not understand that we wished it delayed. To which we answered, that the delay of a few days could not be desired, unless a hope existed that the directory might become more friendly to our



country. He said that intelligence had been received from the United States, that if colonel Burr and Mr. Madison had constituted the mission, the differences between the two nations would have been accommodated before this time. He added, as a fact he was not instructed to communicate, that M. Talleyrand was preparing a memorial to be sent out to the United States, complaining of us as being unfriendly to an accommodation with France. We replied to his intelligence from the United States, that the minister's correspondents in America took a good deal on themselves, when they undertook to say how the directory would have received colonel Burr and Mr. Madison; and that with respect to the memorial of M. Talleyrand, it would not be easy for him to convince our countrymen, that the statements we should make were untrue: if, however, we were confident that our conduct would be condemned, M. Talleyrand might be assured that the fear of censure would not induce us to deserve it: but that we should act in a manner which our own judgments and consciences would approve of; and we trusted we should be supported by the great body of candid and honest men. In this conversation we again stated, that America had taken a neutral position; that she had faithfully sought to preserve it; that a loan of money to one of the belligerent powers was directly to take part in the war; and that to take part in the war against her own judgment and will, under the coercion of France, was to surrender our independence.

#### EXHIBIT (A.)

*[Enclosed in the Envoys' Letter No. 2, dated November 8, 1797.]*

I. THE American envoys shall remain here for six months, in the same manner and upon the same footing, with regard to etiquette, as did M. D'Aranjo, the envoy of Portugal.

II. There shall be named a commission of five members, agreeably to a form to be established, for the purpose of deciding upon the reclamations of the Americans, relative to the prizes made on them by the French privateers.

III. The American envoys will engage, that their government shall pay the indemnifications, or the amount of the sums already decreed to the American creditors of the French Republick, and those which shall be adjudged to the claimants by the commissioners. This payment shall be made under the name of an advance to the French Republick, who will repay it in a time and manner to be agreed upon.

IV. One of the American envoys shall return to America, to demand of his government the necessary powers to purchase, for cash, the thirty-two millions of Dutch rescriptions, belonging to the French Republick, in case the envoys should conclude a treaty which shall be approved by the two nations.

V. In the interval, the definitive treaty shall proceed for the termination of all differences existing between the French Republick and the United States, so as that the treaty may be concluded immediately on the return of the deputy.

VI. The question of the rôle d'équipage shall remain suspended until the return of the deputy, and the commission shall not pronounce upon any reclamation where this point shall be in question.

VII. During the six months granted for the going and returning of the deputy, hostilities against the Americans shall be suspended as well as the process for condemnation before the tribunals; and the money of the prizes already condemned, in the hands of the civil officers of the nation, shall remain there, without being delivered to the privateers-men, until the return of the deputy.

#### EXHIBIT (B.)

*[Received with the Envoys' Letter No. 2, dated November 3, 1797.]*

THE envoys extraordinary and ministers plenipotentiary of the United States, cannot avoid observing the very unusual situation in which they are placed, by the manner in which they are alone permitted to make communications on the objects of their mission: They are called upon to pledge their country to a very great amount, to answer demands which appear to them as extraordinary as they

were unexpected, without being permitted to discuss the reason, the justice, or the policy on which those demands are founded, and not only without assurances that the rights of the United States will in future be respected; but without a document to prove that those to whom they are required to open themselves without reserve, and at whose instance they are called on to sacrifice so much, are empowered, even by the minister, to hold any communication with them: yet such is the anxious and real solicitude of the envoys to seize any occasion which may afford a hope, however distant, of coming to those explanations which they so much wish to make with this Republick, that they pass over the uncommon and informal modes which have been adopted, and will only consider the propositions themselves.

I. The ministers of the United States will permit no personal considerations to influence their negotiations with the French Republick. Although they expected that the extraordinary means adopted by their government to reconcile itself to that of France would have been received with some degree of attention, yet they are too solicitous to enter upon the important and interesting duty of their mission to permit themselves to be restrained by forms or etiquette.

II. On this article it is believed there can be no disagreement.

III. This article, as explained, would oblige the United States to advance, not to their own citizens, but to the government of France, sums equivalent to the depredations made by the corsairs of the Republick on the American commerce, and to the contracts made with their citizens by France; and this advance, instead of benefitting the citizens of the United States, would leave them precisely what they now are, the creditors of the French Republick: the more extensive the depredations and the more considerable the contracts uncomplished with, the more would the government of France receive from the United States. Independent of these objections, the ministers of the United States cannot engage to assume, in any form, the debts due from France to their fellow citizens: they have no such power.

IV. If the negotiations be opened, and the propositions for a loan, or any other propositions, exceeding the pow-

ers of the ministers, be made, the government of the United States will be consulted thereon with expedition.

v. This, or any proposition having for its object the claims of the two nations on each other, or an accommodation of differences, will be embraced with ardour by the ministers of the United States.

vi. It cannot escape notice, that the question of the rôle d'équipage may involve in it every vessel taken from the United States: the ministers however consider it, and wish to take it up, as a subject of negotiation.

vii. On this article it is only to be observed, that the season of the year is such, as probably to render a return, within six months, of the envoy, who might sail to the United States, impracticable: provision should be made for such an event.

If the difficulties attending the propositions for a loan and a compensation for past injuries be such as to require time for their removal, the ministers of the United States propose that the discussions on the relative situation of the two countries, may commence in the usual forms; that the relation to each other may be so regulated, as to obviate future misunderstandings; and that the adjustment of the claims of the citizens of the United States, whose vessels have been captured, may be made after a decision on the point first mentioned.

No diplomatic gratification can precede the ratification of the treaty.

### No. 3.

*Paris, November 27, 1797.*

DEAR SIR,—On the 11th instant we transmitted the following official letter to the minister of foreign affairs.

“Citizen minister,—The undersigned envoys extraordinary and ministers plenipotentiary of the United States of America to the French Republick, had the honour of announcing to you officially on the sixth of October, their arrival at Paris, and of presenting to you on the eighth, a copy of their letters of credence. Your declaration at that time, that a report on American affairs was then preparing, and would in a few days be laid before the directory, whose decision there on should, without



delay, be made known, has hitherto imposed silence on them. For this communication they have waited with that anxious solicitude which so interesting an event could not fail to excite, and with that respect which is due to the government of France. They have not yet received it; and so much time has been permitted to elapse, so critical is the situation of many of their countrymen, and so embarrassing is that of the undersigned, both as it respects themselves and the government they represent, that they can no longer dispense with the duty of soliciting your attention to their mission.

“ The United States, citizen minister, at an epoch which evinced their sincerity, have given incontestable proofs of their ardent friendship, of their affection for the French Republic: these were the result, not of her unparalleled prowess and power, but of her confidence in her justice and magnanimity; and in such high estimation was the *reciprocity* of her friendship held by them, as to have been a primary object of national concern. The preservation of it was dear to them, the loss of it a subject of unfeigned regret, and the recovery of it, by every measure which shall consist with the rights of an independent nation, engages their constant attention. The government of the United States, we are authorized to declare, has examined, with the most scrupulous justice, its conduct towards its former friend. It has been led to this by a sincere desire to remove, of itself, every just cause of complaint; conceiving that, with the most upright intentions, such cause may possibly exist; and although the strictest search has produced no self-reproach, although the government is conscious that it has uniformly sought to preserve, with fidelity, its engagements to France, yet far from wishing to exercise the privilege of judging for itself, on its own course of reasoning and the lights in its own possession, it invites fair and candid discussion; it solicits a reconsideration of the past; it is persuaded its intentions, its views, and its actions must have been misrepresented and misunderstood; it is convinced that the essential interests of both nations will be promoted by reconciliation and peace; and it cherishes the hope of meeting with similar dispositions on the part of the directory.

“ Guided by these sentiments, the President of the United States has given it in charge to the undersigned to

state to the executive directory the deep regret which he feels at the loss or suspension of the harmony and friendly intercourse which subsisted between the two republicks. and his sincere wish to restore them; to discuss candidly the complaints of France, and to offer frankly those of the United States : and he has authorized a review of existing treaties, and such alterations thereof as shall consist with the mutual interest and satisfaction of the contracting parties.

“ This task the undersigned are anxious to commence ; and truly happy will they be, if their exertions can in any degree contribute to restore that friendship, that mutual interchange of good offices which it is alike their wish and their duty to effect between the citizens of the two republicks.

“ The undersigned pray you, citizen minister, to present this communication to the executive directory, and to receive the assurances of their most perfect consideration.

CHARLES COTESWORTH PINCKNEY,  
J. MARSHALL,  
ELBRIDGE GERRY.

Paris, Nov. 11, in the 22d year of American Independence.

To the Minister of Foreign Affairs of the French Republick.”

No answer having been given to it on the 21st instant, we requested major Rutledge to wait on the minister, and inquire of him whether he had communicated the letter to the directory, and whether we might expect an answer : he replied that he had submitted our letter to them, and that they would direct him what steps to pursue, of which we should be informed. We have not, however, hitherto received any official intimation relative to this business : we are not yet received ; and the condemnation of our vessels for want of a rôle d'équipage is unremittingly continued. Frequent and urgent attempts have been made to inveigle us again into negotiation with persons not officially authorized, of which the obtaining of money is the basis : but we have persisted in declining to have any further communication relative to diplomatic business with

persons of that description; and we mean to adhere to this determination. We are sorry to inform you, that the present disposition of the government of this country appears to be as unfriendly towards us as ever, and that we have very little prospect of succeeding in our mission.

We have the honour to be, &c.

CHARLES COTESWORTH PINCKNEY,

J. MARSHALL,

E. GERRY.

Col. Pickering.

No. 4.

*Paris, December 24, 1797.*

DEAR SIR,—We have not yet received any answer to our official letter to the minister of foreign affairs, dated the 11th of last month, and mentioned in number three: but reiterated attempts have been made to engage us in negotiation with persons not officially authorized; and you will find by the exhibits marked A, B, and C, herewith sent, some important information relative to the views and intentions of the French government with respect to ours. We are all of opinion, that if we were to remain here for six months longer, without we were to stipulate the payment of money, and a great deal of it, in some shape or other, we should not be able to effectuate the objects of our mission, should we be even officially received: unless the projected attempt on England was to fail, or a total change take place in the persons who at present direct the affairs of this government. In this situation of matters, we are determined, by the tenth of next month, should they remain as they are, to transmit another letter to the minister, representing, as far as may be expedient, the views of our government.

We have the honour to be, &c.

CHARLES COTESWORTH PINCKNEY,

J. MARSHALL,

E. GERRY.

Col. Pickering, Secretary of State.



## EXHIBIT (A.)

[*Enclosed in the Envoys' Letter, No. 4.*]

ON the 14th of December, M. X. called on me, in order, as he said, to gain some information relative to some lands in . . . . . purchased by . . . . . for whom . . . . . Soon afterwards general Marshall came in, and then Mr. Gerry's carriage drove into the yard. Here is Mr. Gerry, said general Marshall. I am glad of it, said M. X. for I wished to meet all of you gentlemen, to inform you that M. Y. had another message to you from M. Talleyrand. I immediately expressed my surprise at it, as M. Talleyrand, M. Y. and he, all knew our determination to have no further communication on the subject of our mission, with persons not officially authorized. He replied, that determination was made six weeks ago; and it was presumed that we had changed our opinion. I said that I had not; and I did not believe my colleagues had. At that moment Mr. Gerry entered the room, and I privately acquainted him with the object of M. X.'s visit. General Marshall, Mr. Gerry, and myself then withdrew into another room; and immediately agreed to adhere to our former resolution. M. X. was then called in; when I acquainted him, in a few words, with our determination: and Mr. Gerry expatiated more at large on the propriety of our acting in this manner, and on the very unprecedented way in which we had been treated, since our arrival.

On the twentieth of December, a lady, who is well acquainted with M. Talleyrand, expressed to me her concern, that we were still in so unsettled a situation: but, adds she, why will not you lend us money? If you would but make us a loan, all matters would be adjusted: and she added, when you were contending for your revolution, we lent you money. I mentioned the very great difference there was between the situation of the two countries at that period and the present; and the very different circumstances under which the loan was made us, and the loan was now demanded from us. She replied, we do not make a demand; we think it more delicate that the offer should come from you: but M. Talleyrand has mentioned to me (who am surely not in his confidence) the necessity of your making us a loan: and I know that he has mentioned it to two or three others; and that you have been

informed of it : and I will assure you, that if you remain here six months longer, you would not advance a single step further in your negotiations, without a loan. If that is the case, I replied, we may as well go away now. Why that possibly, said she, might lead to a rupture ; which you had better avoid : for we know we have a very considerable party in America, who are strongly in our interest.—There is no occasion to enter into a further detail of the conversation. I have only noted this part of it as expressive of what I believe (as far as relates to the loan and a party in America in their favour) to be the sentiments of the French government with regard to us.

CHARLES COTESWORTH PINCKNEY.

December 21, 1797.

EXHIBIT (B.)

[*Enclosed in the Envoys' Letter, No. 4.*]

Extract from General Marshall's Journal.

December 17, 1797. I stepped into Mr. Gerry's apartment, where I saw M. Y. He expressed his regret at having been disabled to dine with us at M. de Beaumarchais, by an inveterate tooth-ache. He then asked me whether I had seen M. de Beaumarchais lately? I told him, not since he dined with us ; and that he had left us much indisposed. He then observed, that he had not known until lately, that I was the advocate for that gentleman in his cause against the state of Virginia ; and that M. de Beaumarchais, in consequence of that circumstance, had expressed sentiments of high regard for me. I replied, that M. de Beaumarchais's cause was of great magnitude, very uncertain issue,—and consequently, that a portion of the interest he felt in it, would very naturally be transferred to his advocate. He immediately said, (low and apart) that M. de Beaumarchais had consented, provided his claim could be established, to sacrifice fifty thousand pounds sterling of it, as the private gratification which had been required of us ; so that the gratification might be made without any actual loss to the American government. I answered, that a gratification on any terms, or in any form, was a subject which we approached with much fear and difficulty, as we were not authorized by our

government to make one ; nor had it been expected that one would be necessary : that I could not undertake to say whether my colleagues would consent to it, in any state of things ; but I could undertake to say, no one of us would consent to it, unless it was preceded or accompanied by a full and entire recognition of the claims of our citizens ; and a satisfactory arrangement on the objects of our mission. He said, it was in the expectation of that event only that he mentioned it. We parted : and I stated the conversation to general Pinckney, who was disinclined to any stipulation of the sort, and considered it as a renewal of the old reprobated system of indirect, unauthorized negotiation.

Having been originally the counsel of M. de Beaumarchais, I had determined, and so I had informed general Pinckney, that I would not, by my voice, establish any agreement in his favour ; but that I would positively oppose any admission of the claim of any French citizen, if not accompanied with the admission of the claims of the American citizens for property captured and condemned for want of a rôle d'équipage. My reason for conceiving that this ought to be stipulated expressly, was a conviction, that if it was referred to commissioners, it would be committing absolutely to chance, as complete a right as any individuals ever possessed. General Pinckney was against admitting the claim at any rate.

After my return, Mr. Gerry came into my room, and told me that M. Y. had called on him, to accompany him on a visit to M. Talleyrand ; that he proposed seeing M. Talleyrand, and returning the civility of the dinner ; and endeavouring to bring about some intercourse between him and us.

December 18. General Pinckney and Mr. Gerry met in my room ; and Mr. Gerry detailed to us the conversations mentioned in our publick letter. The proposition relative to the claim of M. de Beaumarchais is entirely different from my understanding of it, in the very brief statement made to me by M. Y. We resolved that we would rigidly adhere to the rule we had adopted, to enter into no negotiation with persons not formally authorized to treat with us. We came also to the determination to prepare a letter to the minister of foreign relations, stating



the object of our mission, and discussing the subjects of difference between the two nations, in like manner as if we had been actually received; and to close the letter with requesting the government to open the negotiation with us, or to grant us our passports.

### EXHIBIT (C.)

[*Enclosed in the Envoys' Letter, No. 4.*]

December 13. Mr. Gerry accidentally calling on general Pinckney, found M. X. and was soon informed, that his object was to obtain another interview between the ministers and M. Y. on the affairs of their mission. General Marshall happening also to be there, we retired into another room, and immediately agreed to adhere to our former determination, not to have any more informal communications. M. X. having been called in, general Pinckney briefly communicated our determination: and Mr. Gerry observed, that he was much hurt by this proposition; that the ministers had already proceeded farther in this mode of communication than perhaps they could justify; that they had refused, six weeks ago, to renew it; and that some regard ought to be paid to their feelings, which had been sufficiently mortified; that the proposition was disrespectful to the envoys, as it betrayed a belief, that they had lost the sense of their dignity, and were indeed incompetent to their office; that had there been but one envoy extraordinary, he ought to have had an audience in a few days; and that for three to remain between two and three months in this situation, was too humiliating, too debasing, for any nation to submit to it; that for his own part, had he been sent to any other nation in Europe, with two other envoys, he would not have consented to have remained in such a state ten days; that knowing the great desire of the government and nation of the United States to be at peace with France, he had, with his colleagues, submitted to this indignity, at the risk of the severe censure of the former.—Having also inquired of M. X. at what time M. Talleyrand could be seen, the former said he would inquire of M. Y. who on the 16th, in the evening, sent, in Mr. Gerry's absence from his lodgings, a billet as follows: "M. Y. has the honour to pre-

sent his respects to Mr. Gerry, and to inform him, that he will have the honour to wait on him to-morrow morning, at ten o'clock, to go together to the minister of foreign relations. He is with respect," &c. On the morning of the 17th, M. Y. came in while Mr. Gerry was at breakfast, not having received an answer to his note : and Mr. Marshall coming in, M. Y. took him aside, and conferred with him a considerable time ; after which, the former, and the rest of the family, left the room : and M. Y. and Mr. Gerry being together, Mr. Gerry told him, that his object in seeing M. Talleyrand was to return a civility, by requesting him to fix a day for dining with Mr. G. who intended to invite his colleagues ; by this interview to promote, if possible, a better understanding between the minister and the American envoys ; and Mr. G. also proposed to confer with the minister on the disagreeable situation the envoys were in, and to state to him some reports which appeared to be founded, respecting a proposition before the directory for sending off all Americans in a short period : but Mr. Gerry added, that he could not hear a word on the subject of the mission, or the preliminaries to a negotiation, as the envoys had determined unanimously against any informal communications on the subject. M. Y. in answer said, that Mr. Marshall had just heard him on a subject of this kind ; and that we might consider it, as he did, merely as a conversation between ourselves. He then stated that two measures, which M. Talleyrand proposed, being adopted, a restoration of friendship between the republicks would follow immediately ; the one was a gratuity of fifty thousand pounds sterling ; the other a purchase of thirty-two millions of the Dutch rescriptions : that as to the first, M. de Beaumarchais had recovered, in a cause depending in Virginia, between that state and himself, one hundred and forty-five thousand pounds sterling ; that there was an appeal from the judgment ; that he would sign an act to relinquish forty-five thousand pounds, if the whole should be finally recovered, leaving only one hundred thousand pounds for himself ; that the forty-five thousand pounds might accrue to the United States, who would, in that case, lose but a small part of the fifty thousand pounds ; that the purchase of sixteen millions of rescriptions would amount to but one million, three hundred and thirty-three thousand [pounds,] six shillings, and eight

pience sterling, which, with an interest of five per cent. would be certainly paid by the government of Holland to the United States, and leave them without any loss; that more than half the sum may now be hired in Holland, on the credit of the rescriptions, and an easy arrangement be made for payment, by short instalments, which might be obtained also by a loan; that it was worthy the attention of the envoys to consider, whether by so small a sacrifice they would establish a peace with France, or whether they would risk the consequences; that if nothing could be done by the envoys, arrangement would be made forthwith to ravage the coasts of the United States by frigates from St. Domingo; that small states which had offended France were suffering by it; that Hamburgh, and other cities in that quarter, would, within a month or two, have their government changed; that Switzerland would undergo the same operation; and that Portugal would probably be in a worse predicament; that the expedition against England would be certainly pursued; and that the present period was the most favourable, if we wished to adopt any measure for a pacification.—Mr. Gerry, in answer, said, that if the French were disposed to pursue with vengeance the United States, they might perhaps ravage their coasts, and injure them in this way, but they never could subdue them: the measure he thought utterly impracticable, even if attempted by France and her allies. To which M. Y. assented. Mr. Gerry observed further, that the ravages alluded to would undoubtedly closely connect the United States and Great Britain, and prevent the former from returning to the friendship which they have ever had for France: that as to the propositions, he should express no opinion on them; that his situation, and that of his colleagues, was extremely difficult; that the directory were exclusively prejudiced against the government of the United States, and considered them as the friends of Great Britain; that if the envoys could have an opportunity of being heard, they could remove such impressions, and show that the government were the friends of France as much as of Great Britain; but that the envoys were now in the most painful situation; that they were treated, in the eyes of all Europe, and of the American government and nation, with the utmost con-



tempt; and were submitting to indignities which they could not reconcile to their feelings, or justify to their constituents. M. Y. said that the observations were just: but that the American envoys had not experienced worse treatment than other ministers, nor indeed as bad; that the envoy of Portugal was again ordered to depart; and that but little ceremony was observed to the envoys in general. M. Y. and Mr. Gerry then took a ride to M. Talleyrand's bureau, who received them politely: and after being seated, Mr. Gerry observed to M. Talleyrand, in English, slowly, that M. Y. had stated to him, that morning, some propositions as coming from M. Talleyrand, respecting which Mr. Gerry could give no opinion: that his object at this interview was, to request of him information whether he would fix a time for taking a dinner with Mr. Gerry, at which he proposed to invite his colleagues; that he wished for more frequent interviews of some kind or other between himself and the envoys; conceiving that many imaginary difficulties which obstructed the negotiation, would vanish by this means; and that those which were real, would be surmounted: that conceiving the delicate part which the minister of France had to act at this time, he did not wish M. Talleyrand to accept the invitation, if it would subject him to inconveniencies: that he wished to speak on another subject; and it was painful to him to acknowledge, that the precarious situation of the envoys was such, as to render it impossible for them to take measures for decent arrangements; that a short time since, he had supposed measures were taking a favourable turn; but that lately he had received, from various quarters, information of a report made by the minister of the interior, and under the consideration of the directory, for sending all Americans from Paris in twenty-four hours; that he could not be responsible for the truth of the information, but it appeared to him, as well from the various quarters from which it came, as from the intelligence of the person who gave it, to be highly probable; that if this was the case, it was unnecessary for the directory, as he conceived, to pass any arrête, as it respected the envoys, for that they would depart from Paris whenever it was hinted as the wish of the directory; that for his own part, he should feel more at ease, until we were received, to reside in a city of some other nation than that of France; and to re-

turn to Paris on notice that the directory were disposed to open the negotiation. M. Talleyrand appeared to be very uneasy at this declaration; but avoided saying a word on it. He said that the information M. Y. had given me was just, and might always be relied on: but that he would reduce to writing his propositions; which he accordingly did; and after he had shown them to Mr. Gerry, he burnt the paper. The substance was as follows. [See No. 1. below.]

He then said, that he accepted of the invitation; that he would dine with him the decade after the present, in which he was engaged.

Mr. Gerry did not repeat all that he had said to M. Y. having no doubt he would communicate the whole to M. Talleyrand. And, after expressing a friendship for the French Republick, and a warm desire to renew the former attachments of the two republicks, which M. Talleyrand warmly reciprocated, Mr. Gerry bid M. Talleyrand adieu; leaving with him M. Y.

#### No. 1.

That the envoys should come forward generally, and say:

“France has been serviceable to the United States, and now they wish to be serviceable to France: understanding that the French Republick has sixteen millions of Dutch rescriptions to sell, the United States will purchase them at par, and will give her further assistance when in their power.

“The first arrangement being made, the French government will take measures for reimbursing the equitable demands of America arising from prizes, and to give free navigation to their ships in future.”

#### No. 5.

[See *Envoy's Letter*, Jan. 3, 1793, page 451 of vol. III.]

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. MAY 4, 1798.

I NOW transmit to Congress copies of all the communications, from our envoys extraordinary, received since their arrival in Paris, excepting those before presented by me to both houses.

JOHN ADAMS.

No. 6.

*Paris, February 7, 1798.*

DEAR SIR,—We transmit to you, in this enclosure, our last letter to the minister of foreign relations. Though dated the 17th ult. it was not, on account of the time taken to translate so long a letter, delivered till the 31st. In our communications here, although we have, agreeably to your instructions, written in our own language, we have at the same time taken the precaution, lest our meaning should be misrepresented or misunderstood, to accompany them with an accurate translation. We have not yet received any answer to this communication, and should no notice be taken of it in a few days, we shall apply in a more explicit manner for our passports.

The councils have passed the decree mentioned in No. 5, as having been recommended by the directory, to capture and condemn all neutral vessels laden in part or in whole with the manufactures or productions of England or its possessions. We enclose you the official copy of the report on that subject, and shall represent to this government the injustice and injury which it must inevitably occasion us.

We have the honour to be, &c.

CHARLES C. PINCKNEY,  
J. MARSHALL,  
E. GERRY.

Colonel Pickering, Secretary of the United States.

*To the Minister of Foreign Affairs of the French Republick.*

CITIZEN MINISTER,—The undersigned ministers plenipotentiary and envoys extraordinary from the United States of America to the French Republick, have been hitherto restrained by the expectation of entering on the objects of their mission in the forms usual among nations, from addressing to the executive directory, through you, those explanations and reclamations with which they are charged by the government they represent. If this expectation is to be relinquished, yet the unfeigned wish of the United States to restore that harmony between the two republicks, which they have so unremittingly sought to preserve, renders it the duty of the undersigned to lay before the government of France, however informal the communication may be deemed, some considerations, in addition to those heretofore submitted, relative to the subsisting differences between the two nations.

Openly and repeatedly have France and America interchanged unequivocal testimonials of reciprocal regard. These testimonials were given by the United States, with all the ardour and sincerity of youth. It is still believed that on the part of France they were likewise the offspring of real esteem. They were considered on the other side of the Atlantick as evidencing a mutual friendship to be as durable as the republicks themselves. Unhappily the scene is changed; and America looks around in vain for the ally or the friend. The contrast both of language and of conduct, which the present so avowedly exhibits to a portion of the past, has been repeatedly attributed by France, to a disposition alleged to exist in the government of the United States, unfriendly to this Republick, and partial towards its enemies.

That government, astonished at a reproach, so unfounded in fact, so contradicted by its declarations and its conduct, could scarcely consider the charge as serious, and has ever cherished the hope, that a candid review of its conduct founded on the documents, and aided by the arguments with which the executive directory has been furnished would have rescued it from the injurious suspicion. This hope seems not to have been realized. The undersigned, therefore, deem it proper to precede their appli-



cation for that justice which they claim from France, by an effort to remove the cause, which is alleged to have produced the injuries of which they complain. With this view, they pray the attention of the executive directory to a serious and candid reconsideration of the leading measures adopted by the government of the United States, and they persuade themselves, that however various and multiplied the channels may be through which misinformation, concerning the dispositions of that government, may have been received ; yet this reconsideration must remove unfounded prejudices and entirely exculpate the American nation from an accusation it knows to be unfounded, and believes to be supported by no single fact.

When that war which has been waged with such unparalleled fury, which, in its vast vicissitudes of fortune, has alternately threatened the very existence of the conflicting parties, but which, in its progress, has surrounded France with splendour, and added still more to her glory than to her territory, when that war first involved those nations with whom the United States were in habits of friendly intercourse, it became incumbent on their government to examine their situation, their connections and their duties. America found herself at peace with all the belligerent powers. She was connected with some of them by treaties of amity and commerce, and with France by a treaty of alliance also. These several treaties were considered with the most serious attention, and with a sincere wish to determine by fair construction the obligations which they really imposed.—The result of this inquiry was a full conviction, that her engagements by no means bound her to take part in the war, but left her so far the mistress of her own conduct as to be at perfect liberty to observe a system of real neutrality. It is deemed unnecessary to analyze those treaties in order to support the propriety of this decision, because it is not recollected ever to have been questioned, and is believed not to admit of doubt.

Being bound by no duty to enter into the war, the government of the United States conceived itself bound by duties the most sacred to abstain from it. Contemplating man, even in a different society, as the natural friend of man, a state of peace, though unstipulated by treaty, was

considered as imposing obligations not to be wantonly violated.

These obligations, created by the laws of nature, were in some instances strengthened by solemn existing engagements, of which good faith required a religious observance.

To a sense of moral right, other considerations of the greatest magnitude were added, which forbade the government of the United States to plunge them unnecessarily into the miseries of the bloody conflict then commencing. The great nations of Europe either impelled by ambition, or by existing or supposed political interests, peculiar to themselves, have consumed more than a third of the present century in wars. Whatever causes may have produced so afflicting an evil, they cannot be supposed to have been entirely extinguished, and humanity can scarcely indulge the hope, that the temper or condition of man is so altered as to exempt the next century from the ills of the past. Strong fortifications, powerful navies, immense armies, the accumulated wealth of ages and a full population, enable the nations of Europe to support those wars in which they are induced to engage, by motives which they deem adequate, and by interests exclusively their own. In all respects different is the situation of the United States : possessed of an extensive unsettled territory, on which bountiful nature has bestowed, with a lavish hand, all the capacities for future legitimate greatness, they indulge no thirst for conquest, no ambition for the extension of their limits. Encircled by no dangerous powers, they neither fear, nor are jealous of their neighbours, and are not on that account obliged to arm for their own safety. Separated from Europe by a vast and friendly ocean, they are but remotely, if at all, affected by those interests, which agitate and influence this portion of the globe. Thus circumstanced, they have no motive for voluntary war. On the contrary, the most powerful considerations urge them to avoid it.—An extensive and undefended commerce, peculiarly necessary to a nation which does not manufacture for itself, which is, and for a long time to come, will be almost exclusively agricultural, would have been its immediate and certain victim. The surplus produce of their labour must have perished on their hands, and that increase of population,

so essential to a young country, must, with their prosperity, have sustained a serious check. Their exertions too would not have been considerable, unless the war had been transferred to their own bosom.

Great as are the means and resources of the United States for self-defence, it is only in self-defence that those resources can be completely displayed. Neither the genius of the nation, nor the state of its finances, admit of calling its citizens from the plough, but to defend their own liberty and their own fire-sides. How criminal must have been that government which could have plunged its constituents into a war, to which they were neither impelled by duty or solicited by interest; in which they committed so much to hazard; in which they must suffer, in order to act efficiently, and could only display their energy in repelling invasion? But motives still more powerful than the calamities of the moment, have influenced the government of the United States.

It was perhaps impossible to have engaged voluntarily in the existing conflict, without launching into the almost boundless ocean of European politicks, without contracting habits of national conduct, and forming close political connections which must have compromitted the future peace of the nation, and have involved it in all the future quarrels of Europe. A long train of armies, debts and taxes, checking the growth, diminishing the happiness, and perhaps endangering the liberty of the United States, must have followed the adoption of such a system. And for what purpose should it have been adopted? For what purpose should America thus burden herself with the conflicts of Europe?—Not to comply with any engagements she has formed; not to promote her own views, her own objects, her own happiness, or her own safety; but to move as a satellite around some greater planet, whose laws she must of necessity obey. In addition to these weighty considerations, it was believed that France would derive more benefit from the neutrality of America, than from her becoming a party in the war.

The determination then of the government of the United States to preserve that neutral station, in which the war found them, far from manifesting a partiality for the enemies of France, was only a measure of justice to itself and to others, and did not even derogate from that predilec-

tion for this Republick, which it has so repeatedly expressed and displayed. Having avowed this determination, increased motives of honour and of duty commanded its faithful observance. It is not a principle which remains now to be settled, that a fraudulent neutrality is no neutrality at all ; and that the nation, which would be admitted to its privileges, must also perform the duties it enjoins. Had the government of the United States, declared itself neutral, indulged its partialities by granting favours unstipulated by treaty, to one of the belligerent powers, which it refused to another, it could no longer have claimed the immunities of a situation of which the obligations were forgotten, it would have become a party to the war, as certainly as if war had been openly and formally declared, and it would have added to the madness of wantonly engaging in such a hazardous conflict, the dishonour of insincere and fraudulent conduct : it would have attained circuitously an object which it could not plainly avow, or directly pursue, and would have tricked the people of the United States into a war, which it could not venture openly to declare.

It was matter of real delight to the government and people of America, to be informed that France did not wish to interrupt the peace they enjoyed.

The undersigned have been induced to rest upon this first, necessary and decisive step, taken by their government, although its propriety may not be controverted, from a conviction, that if the right of the United States, to observe a fair and honest neutrality be established, the general charges of an unfriendly disposition, made against them by France, must be relinquished, because the facts, by which those charges are supported, will be found to have grown inevitably out of that situation.

This measure was accompanied by another, which, in repelling so astonishing a charge as partiality for the enemies of France, deserves to be noticed. Soon after the government of the United States had notified to its citizens the duties which its neutrality enjoined, Mr. Genet, the first minister from this Republick, arrived at Philadelphia : although his conduct had been such as to give cause for serious alarm ; although before he was even acknowledged as a minister, or had reached the authority which could inspect his credentials, he had assumed the



functions of the government to which he was deputed, yet that government resolved to see in him, only the representative of a Republick, to which it was sincerely attached, gave him the same warm and cordial reception which he had experienced from its citizens, without a single exception, from Charleston to Philadelphia. The then situation of France deserves to be remembered.

While the recollection adds, citizen minister, to the glory with which your nation is encircled, it establishes the sincerity of the United States.

The most formidable combination the world had ever seen, threatened the extermination of this Republick. Austria, Germany, Prussia, Britain, Spain, Holland and Sardinia ; were in arms against France, and Russia was leagued in the coalition. Nor was this all. The Republick, distracted by internal divisions, contained numerous enemies within its own bosom, and a considerable portion of its proper force was arrayed against itself. In such a state of things, the most sanguine might fear, and the most ardent hesitate. Confident in their strength, and relying on success, the coalesced powers sought to arm in their cause, the residue of the world, and deemed it criminal to acknowledge the sovereignty of the Republick. The nations of Europe, even those who had not entered into the contest, were either themselves unwilling to acknowledge this sovereignty, or were deterred by fear from doing so. Had the partialities of America been against France, this example would have been followed. According to the rules of ordinary calculation, the measure would have been safe, and consequently a government, feeling the attachments now so unjustly attributed to that of the United States, would have indicated those attachments by its adoption. Far from pursuing such a system the United States, unawed by the strength of the coalition, received with open arms the minister of this Republick, acknowledged with enthusiasm the government which had deputed him, overlooked his extraordinary attacks on their sovereignty, and manifested a cordial friendship for his nation and a sincere wish for its success.

Scarcely were the first ceremonies of his reception over, when Mr. Genet displayed a disposition to usurp and exercise within the United States, the choicest and most important duties and powers of sovereignty. He

claimed the privileges of arming and embodying the citizens of America within their own territory, to carry on from thence expeditions against nations with whom they were at peace, of fitting out and equipping, within their limits, privateers, to cruise on a commerce destined for their ports; of erecting within their jurisdiction, an independent judiciary, and of arraigning their government at the bar of the people. The undersigned will not ask in what manner France would have treated any foreign minister, who should have dared so to conduct himself towards this Republick? But in what manner would the American government have treated such a minister, if the representative of a nation it viewed with coldness, or even indifference? In what manner would it have treated him, had he been the representative of any other nation than France? No man acquainted with that government can doubt how these inquiries ought to be answered. From the minister of France alone could this extraordinary conduct be borne with temper. To have continued to bear it, without perceiving and feeling its extreme impropriety, would have been to have merited the contempt as well of France as of the other powers of the earth. The government of the United States did feel it; but far from transferring to his nation that resentment, which such conduct could not fail to excite, it distinguished strongly between the government and its minister, and the representations it made were in the language of a friend afflicted, but not irritated, by the injuries it complained of. The recall of that minister was received with universal joy, as a confirmation that his whole system of conduct was attributable only to himself; and not even the publication of his private instructions could persuade the American government to ascribe any part of it to this Republick.

At the same time the exertions of the United States to pay up the arrearages of their debt to France, which had been unavoidably permitted to accumulate, their disinterested and liberal advances to the sufferers of St. Domingo, thrown suddenly upon them, without provisions or money, whose recommendation was, that they were Frenchmen and unfortunate; the perseverance with which they apologized for and ascribed any occasional injuries they sustained to the force of circumstances; the interest

which they continued openly to take in all the fortunes of this Republick, manifested partialities of a very different sort from those which have been so unjustly attributed to them.

At this period too, a great principle was brought into discussion, the dispassionate consideration of which is essential to the fair estimate of the charges made by France against the government of the United States. The property of French citizens was taken by British cruisers and ships of war, out of American bottoms, and the American government submitted to the practice. The propriety of submitting to it, depends entirely on the naked right of the captors, under the existing circumstances of the case, to exercise such a power. The circumstances were these: In the treaty of commerce made between France and the United States in February, 1778, it was stipulated in substance, that neither party should take out of the vessels of the other, the goods of its enemy, but the character of the bottom should be imparted to its cargo. With England the United States had made no stipulation on the subject.

It follows then that the rights of England, being neither diminished or increased by compact, remained precisely in their natural state, and were to be ascertained by some pre-existing acknowledged principle.

This principle is to be searched for in the law of nations. That law forms, independent of compact, a rule of action by which the sovereignties of the civilized world consent to be governed. It prescribes what one nation may do without giving just cause of war, and what, of consequence, another may and ought to permit, without being considered as having sacrificed its honour, its dignity or its independence.

What then is the doctrine of the law of nations on this subject? Do neutral bottoms, of right and independent of particular compact, protect hostile goods? The question is to be considered on its mere right, uninfluenced by the wishes or the interests of a neutral or belligerent power.

It is a general rule, that war gives to a belligerent power a right to seize and confiscate the goods of his enemy. However humanity may deplore the application of this principle, there is perhaps no one to which man has more universally assented, or to which jurists have more uni-



formly agreed. Its theory and its practice have unhappily been maintained in all ages. This right then may be exercised on the goods of an enemy wherever found, unless opposed by some superior right. It yields by common consent to the superior right of a neutral nation to protect, by virtue of its sovereignty, the goods of either of the belligerent powers, found within its jurisdiction. But can this right of protection, admitted to be possessed by every government within its own limits, in virtue of its absolute sovereignty, be communicated to a vessel navigating the high seas?

It is supposed that it cannot be so communicated; because the ocean being common to all nations, no absolute sovereignty can be acquired in it: the rights of all are equal, and must necessarily check, limit and restrain each other. The superior right therefore of absolute sovereignty, to protect all property within its own territory, ceases to be superior, when the property is no longer within its own territory, and may be encountered by the opposing acknowledged right of a belligerent power, to seize and confiscate the goods of his enemy. If the belligerent permits the neutral to attempt without hazard to himself, thus to serve and aid his enemy, yet he does not relinquish the right of defeating that attempt whenever it shall be in his power to defeat it. Thus it is admitted that an armed vessel may stop and search at sea a neutral bottom, and may take out goods, which are contraband of war, without giving cause of offence, or being supposed in any degree to infringe neutral rights. But this practice could not be permitted within the rivers, harbours or other places of a neutral, where its sovereignty was complete. It follows then that the full right of affording protection to all property whatever, within its own territory, which is inherent in every government, is not transferred to a vessel navigating the high seas. The right of a belligerent over the goods of his enemy within his reach, is as complete, as his right over contraband of war; and it seems a position not easily to be refuted, that a situation that will not protect the one, will not protect the other. A neutral bottom then does not of right, in cases where no compact exists, protect from his enemy the goods of a belligerent power.

To this reasoning, the practice of nations has conformed, and the common understanding of mankind seems to



have assented. Vattel, B. 3. Sect. 115, says positively, "that effects belonging to an enemy, found on board a neutral ship are seizable by the rights of war."

Vattel is believed to be supported by the most approved writers on the same subject. It is deemed unnecessary to multiply citations to this point; because France herself is supposed to have decided it. In her maritime ordonnance of the year 1744, which is considered as having been in force in 1778, enemy goods in neutral bottoms, generally, are declared liable to seizure and confiscation. From the operation of this rule are excepted the vessels of Denmark, and the United Provinces, to whom special treaties secured the exception. In the ordonnance too of the 26th July, 1778, the first article of which is considered as forbidding the cruisers of France to stop and bring into port neutral vessels, having on board the goods of an enemy, a power is reserved to revoke the privilege granted to neutrals by that article, if the enemy should not grant the same privilege within six months from the publication of that regulation. This clearly indicates a conviction, that the exemption from the capture of the goods of an enemy, which should be found on board the vessel of a neutral power, not having stipulated such exemption by treaty, was a privilege granted by the ordonnance, and that the mere revocation of the ordonnance would abolish the privilege, and restore the ancient rule. It will not be contended that France has continued in a long course of practice and of legislation opposed to her own opinion of the law of nations. It must then be considered as the opinion of France, that under that law neutral bottoms afford no protection to the goods of an enemy. This principle, thus admitted to have been established, is supposed by some to have been changed by the armed neutrality. A new law of nations, it is contended, was introduced, by that confederation. But who were the parties to that federation, and what was its object? The northern maritime powers of Europe united to protect by force, in their own bottoms, during the then existing war, the goods of either and of all the belligerent powers. The compact in its own nature was confined with respect to its objects and its duration. It did not purport to change nor could it change permanently and universally the rights of nations not becoming parties, to it. It did indeed hold forth the

promise of future more permanent and more general engagements for the same object, but such engagements were never formed. How then can this temporary and partial convention be considered as altering, radically and generally, principles which have been universally adopted, and in the modification of which all have an interest? Would France herself admit that a combination, such as that which constituted the armed neutrality, may rightfully change the law of nations, and establish a new code of universal obligation? It is believed that no nation on earth would more perseveringly oppose such an invasion of its sovereignty.

There seems then to be no solid ground for maintaining, that the general law of nations has been at all varied by the armed neutrality.

It remains to inquire whether the treaties, between France and the United States, pledge either nation to assert and establish the principle, that free bottoms make free goods.

The treaty of amity and commerce, concluded the 6th February 1778, stipulates reciprocally for the right of trading with and protecting the goods of the enemy of either party in the vessels of the other, and in turn surrenders its own goods found in the vessels of an enemy, but it contains no clause imposing on either party the duty of extending the principle, or of supporting its application to other nations. The stipulations of that treaty are negative as well as affirmative. They specify as well the disabilities intended to be created and the duties to be imposed, as the privileges designed to be granted. Had it been intended that either nation should have been bound to maintain this principle in its intercourse with others, or should have been in any degree incapacitated from prosecuting freely that intercourse, without the previous admission of the principle, a stipulation to that effect would have been made. No such stipulation having been made, the parties cannot be presumed to have intended it. Indeed it would have been madness in the United States, under their actual circumstances, to have formed such an agreement. There being no express stipulation to this effect, it cannot be supposed to have been implied. Nations forming a solemn compact which ought to regulate their conduct towards each other which is to be resorted

to as the standard for adjusting their differences, do not leave to implication such delicate and important points. Indeed if a great principle not mentioned is permitted to be implied, the object of a written agreement, which is itself to evidence all the obligation it creates, is totally defeated. But who is to make the implication, and to what extent is implication to be allowed? It is very easy to perceive, that the doctrine of implying in contracts stipulations never formed, would destroy all certainty of construction, and open a boundless field of controversy to the contracting parties.

It results from the very nature of a contract which affects the rights of the parties, but not of others, and from the admission of a general rule of action, binding independent of compact, which may be changed by consent, but is only changed so far as that consent is actually given, that a treaty between any two nations must leave to all others those rights which the law of nations acknowledges; and must leave each of the contracting parties subject to the operation of such rights. For the truth of this position, believed to be so clear in itself, and which it is supposed the history of all Europe will illustrate, the ordonnance of 1744, already quoted, is considered as furnishing an unequivocal authority. By that ordonnance the law of nations is applied to all those neutrals with whom France had not stipulated, that the quality of their bottoms should be imparted to their cargoes, while those with whom such stipulations had been made are exempted from the application of the law.

The desire of establishing universally the principle that neutral bottoms shall make neutral goods, is perhaps felt by no nation on earth, more strongly than by the United States. Perhaps no nation is more deeply interested in its establishment. It is an object they keep in view, and which, if not forced by violence to abandon it, they will pursue in such manner as their own judgment may dictate as being best calculated to attain it; but the wish to establish a principle is essentially different from a determination that it is already established. The interests of the United States could not fail to produce the wish: their duty forbid them to indulge it, when deciding on a mere right. However solicitous America might be to pursue all proper means, tending to obtain for this principle the assent of all



or any of the maritime powers of Europe, she never conceived the idea of obtaining that consent by force.

The United States will only arm to defend their own rights : neither their policy nor their interests permit them to arm, in order to compel a surrender of the rights of others. These and other considerations, which have been submitted to the government of France, produced on the part of the United States a decision, that their bottoms could not of right protect the goods of a belligerent power from an enemy not bound to respect the principle. This decision was founded on the most perfect conviction, that it was enjoined by the law of nations ; and that good faith, respect for truth, and for the duties of an upright and honest judgment, rendered it indispensable. This conviction remains unshaken. If those articles, which still appear conclusive to the American government, have not the same operation on the judgment of France, they must at least be sufficient to evince the sincerity with which that government has acted, and to prove that its conduct, in this respect, was produced by a sense of duty, and not by any partiality for a nation against which it was, at that time, considerably irritated by other causes.

The undersigned, citizen minister, rely too implicitly on your candour and discernment, to apprehend, that you will estimate improperly, the motives which on this essential point have influenced and guided the United States.

The early decision of the American government on this subject was immediately avowed, openly and amply supported by Mr. Jefferson, the then Secretary of State, in his letter to Mr. Genet, dated the 24th July, 1793 ; and in his letter to Mr. Morris, dated 16th August in the same year. The arguments, which those letters contain, were supposed to have satisfied the government of France, since its ministers in the United States no longer controverted the principle they supported. Indeed those arguments appeared too conclusive to permit a doubt concerning the success which would attend them.

In August 1794, when Mr. Monroe, the then minister of the United States to this Republick, was received into the bosom of the convention, France obviously did not consider the acknowledgment of this established principle of the law of nations, as indicating a partiality towards her enemy. The language used on the occasion could



only have been used to the minister of a nation, whose friendship was valued, and whose conduct had evinced the sincerity of its professions. It was then declared "that the sweetest, the frankest fraternity united in effect the two Republicks," and that "their union would be for ever indissoluble." These declarations, made long after America had avowed its neutrality, and had avowed its acquiescence under the principle, that a belligerent power, unrestrained by particular treaty, may of right take out of the bottoms of a neutral, the goods of its enemy, demonstrate that neither that neutrality nor that acquiescence induced the want of a proper regard for France. The government of the United States still cherishes the hope, that this true and fair estimate, then made of its conduct, may be soon resumed by a nation whose friendship it has assiduously and unremittingly cultivated, by all those means which good faith and justice could permit it to use.

After the discussion of this interesting question was supposed to have been closed, and France was believed to have been entirely content with that system in which the United States found themselves bound to persevere, some complaints were made, not against the principles adopted by the government, but against the application of those principles to particular cases supposed not to come within them. The neutrality of the United States could not permit prize to be made of vessels belonging to nations with whom they were at peace, within their jurisdiction; or by privateers fitted out in their own ports. Regulations to this effect were necessarily made; and to enforce the observance of those regulations, was a duty not to be dispensed with. The right of one of the belligerent powers, to obtain the release of a vessel captured under such circumstances, was as sacred as the right of the captor to a vessel taken on the high seas and which according to the usages of war was lawful prize. The United States were bound to respect the rights of both. To do so, it was necessary to examine the facts; for which purpose, a tribunal, in which both parties might be fairly heard, was unavoidable. Some complaints were made of particular vexations, and each complaint has heretofore been particularly attended to. It is believed to be unnecessary to review these several cases, because

the undersigned are entirely persuaded that explanations, already given, must have been completely satisfactory. Should any one of them be still considered as furnishing subject for complaint, the undersigned will proceed to its investigation, with the most sincere desire to attain truth, and to redress the wrong, if any has been committed.

During this period, the causes of complaint against France, on the part of the United States, were by no means inconsiderable. Their commerce was not exempt from depredations, believed to be entirely unwarrantable, made upon it by the cruisers of this Republick.

On the 9th of May, 1793, the national convention passed a decree relative to the commerce of neutrals, the first article of which is in these words: "The French ships of war and privateers may stop and bring into the ports of the Republick, such neutral vessels as are loaded, in whole or in part, either with provisions belonging to neutrals, and destined for enemy ports, or with merchandise belonging to enemies." In consequence of the remonstrances of the American minister, the convention, on the 23d May, declared, "that the vessels of the United States are not comprised in the regulations of the decree of the 9th May." On the 28th of the same month, the convention repealed the decree of the 23d—On the 1st July, they re-established it. On the 27th July, it was again repealed. Under the decree of the 9th May, the vessels of the United States were captured, brought into the ports of France, and their cargoes disposed of. Could this decree, citizen minister, be regarded otherwise than as infringing the laws of nations, the rights of neutrals, and the particular engagements, subsisting between France and the United States?

When on the 8th of June, in the same year, the British government issued a similar order, its injustice produced a ferment throughout America, indicating strong dispositions immediately to oppose its execution by force. The letter of Mr. Jefferson, the then Secretary of State, to the minister plenipotentiary of the United States at London, dated the 7th Sept. 1793, and remonstrating against the order of the 5th June, contains so much justness of sentiment, and strength of argument, as to have been quoted by your predecessor, in his letter to Mr. Monroe of the 9th March, 1796.

It cannot escape you, citizen minister, that the arguments of Mr. Jefferson, concerning the order of the 8th June, apply conclusively to the decree of the 9th May; and that to them are to be added, those arguments which are to be drawn from the hardship of being absolutely compelled, without any alternative, to part with the cargoes in France, and those also which are drawn from the duties imposed by an express and solemn treaty.

Nothing can demonstrate more conclusively the real temper of the United States, than the difference between the reception given to the decree of the convention of the 9th May, and that which was given to the order of the British cabinet of the 8th June.

A large number of American vessels too were for a long time detained at Bordeaux, very much to the injury of the owners, without assigning a motive for such detention, or putting it in the power of the government to conjecture the cause of a measure, which so deeply affected the interest of their fellow citizens—These and other embarrassments were experienced, but they could not diminish the attachment of the United States to France. In the midst of them, prayers were offered up, through the whole extent of the American continent, for the success of this Republick. The government, feeling the same sentiment, displayed it, at least as far as was compatible with the decent deportment required from a nation not a party in the war, and professing neutrality. Such would not have been the conduct of a government and people, in secret unfriendly to France.

Very strong and just resentments were at that time inspired by the hostile conduct of Britain. The instructions of June, 1793, whereby American vessels, laden with provisions for France, were brought into the ports of Britain, there to sell such cargoes, or to give security to sell them in other ports in amity with England, and the still more offensive order of November the 6th, in the same year, whereby vessels laden with the produce of a French colony, or carrying provisions to such colony, were ordered to be brought in for adjudication; added to the pre-existing causes of mutual irritation, had produced such a state of things, as to render it obvious, that the injuries complained of by America must be entirely done away, or that war was the inevitable consequence.



This state of things was not so altered by the order of the 8th of January, 1794, revoking that of the sixth of November, 1793, as to promise a different result. But as a nation preferring peace to war will ever make a peaceful demand of reparation for injuries sustained, before that reparation is sought by the sword, and as the policy of America has ever been, "to pursue peace with unremitting zeal, before the last resource, which has so often been the scourge of nations, and could not fail to check the advanced prosperity of the United States, was contemplated;" an envoy extraordinary was deputed to his Britannick majesty. "Carrying with him a full knowledge of the existing temper and sensibility of his country, it was expected that he would vindicate its rights with firmness, and cultivate peace with sincerity."

Truly desirous, as the American government was, of preserving peace with Britain, its determination was unalterable, not to preserve it, nor to receive compensation for injuries sustained, nor security against their future commission, at the expense of the smallest of its engagements to France. Explicit and positive instructions to this effect were given to Mr. Jay, and those instructions were freely communicated to the minister of this Republick, then at Philadelphia. The negotiation of the American envoy terminated in a treaty in many respects desirable to the United States.

But however desirable its objects might be, the government of the United States would not have hesitated to reject them, had they been accompanied with any stipulation violating or weakening its engagements to France. But it has been able to discern no such stipulation.—The twenty-fifth article of that treaty guards the rights of this Republick by the following clause: "Nothing in this treaty contained shall, however, be construed or operate, contrary to former and existing publick treaties with other sovereigns or states." The treaty with France being a "former and existing publick treaty," and it being thus provided that nothing contained in the treaty with Britain, "should be construed or operate contrary to it," the government of the United States did not apprehend that the treaty with Britain could be considered as affecting its relations to France. But such was its attention to its ally, that the instrument was, previous to its ratification, submitted



to the consideration of the minister of this Republick, who was invited to communicate freely to the government of the United States, such observations upon it as he might judge proper. Mr. Adet, in a letter addressed to Mr. Randolph, dated 12th Messidor, 3d year of the French Republick, (30th June, 1795) expresses his sense of this procedure in the following words: "This frank measure is to me a sure guaranty of the friendship of the American government towards France, and of the fidelity with which it always marks its conduct towards a faithful ally." He then stated those reflections to which the reading of the treaty had given birth. The articles which relate to enemy goods in neutral bottoms, are mentioned without a comment. He contended, that the list of contraband was swelled, and that the 23d, 24th and 25th articles of the treaty with Britain, ceded to that power advantages inconsistent with the previous cessions to France. This letter was answered by Mr. Randolph, on the 6th of July following, who proves, that no article was enumerated in the list of contraband, in the treaty between the United States and Britain, which was not of that description, previous to its formation, and independent of it; noticed briefly the subject of enemy goods in neutral bottoms; and demonstrated, that the objections of Mr. Adet to the 23d, 24th, and 25th articles were entirely founded on a misconstruction of them. This misconstruction was so apparent, that Britain has never claimed it, nor would the American government ever have admitted it. The letter of Mr. Randolph closes the subject of enemy contraband and of enemy property taken out of neutral bottoms, with a paragraph, to which, citizen minister, your attention is solicited: "Hitherto, however, (says he) I have spoken upon principles of right. Upon any other principles, and more especially upon those of hardship and injury to a friend, it shall be a topick of the negotiation now opening between us. With the temper which will pervade the whole of it, I cannot doubt, that some modification may be devised, and it may be separated from the general treaty, so as not to be delayed by it."

It was then apparent, that the government of the United States, actuated by that friendship which transcends the line of strict obligation, was willing, gratuitously, to release her ally from those stipulations of a former treaty,

which, in the course of events, were deemed to operate unfavourably to her. This readiness to concede, marked that friendship the more strongly, as the situations in which the two nations found themselves could not have been unforeseen, but was the very situation for which the article provides. The answer of Mr. Randolph concludes, with requesting an opportunity to remove any remaining doubts, should there be such, by further explanations: no remaining doubts were stated, and therefore, as well as for its contents, the letter was believed to be entirely satisfactory to Mr. Adet, and it was hoped, that this government, as well as that of America, would consider the treaty with Britain as an accommodation desirable by the United States, and not disadvantageous to France.

It is not easy to express the chagrin felt by the American government on learning, that in this treaty the United States were supposed to have "knowingly and evidently sacrificed their connections with this Republick, and the most essential and least contested prerogatives of neutrality." With the firmness of conscious integrity, the United States aver, that they have never knowingly sacrificed or impaired their connections with this Republick, nor the prerogatives of neutrality; but that they have, according to their best judgment, invariably sought to preserve both.

The undersigned will endeavour faithfully to state the impressions of the government they represent on this interesting subject. The objections made to this treaty by your predecessor in office, in his note to Mr. Monroe, dated 19th of Ventose, 4th year of the French Republick, one and indivisible (9th March, 1796) are,

1st. That the United States, besides having departed from the principles established by the armed neutrality, have given to England, to the detriment of their first allies, the most striking mark of an unbounded condescension, by abandoning the limits given to contraband by the law of nations, by their treaties with all other nations, and even by those of England with the greater part of the maritime powers.

2d. That they have consented to extend the denomination of contraband even to provisions. Instead of pointing out particularly, as all treaties do, the cases of the effective blockade of a place, as alone forming an exception to the freedom of this article, they have tacitly acknowledg-

ed the pretensions raised by England, to create blockades in the colonies, and even in France, by the force of a bare proclamation.

Mr. Adet, in his letter to Mr. Pickering, dated 25th Brumaire, 5th year of the French Republick, one and indivisible, (15th November, 1796,) has repeated the same objections, and has been pleased also to superadd some observations relative to the formation of such a treaty generally, and the circumstances attending its negotiation, in terms not to have been expected by the first, and almost only voluntary friend of this Republick.

These having been the only specifick objections officially made to the treaty with Britain, by the government of France, either in Paris or in Philadelphia, are necessarily supposed to be the only objections which have occurred.

They have often been discussed on the part of the United States, but that discussion will be renewed, because, although the undersigned may be unable to suggest any argument not heretofore urged, they cannot resist the hope, that an attentive reconsideration of those arguments may give them a success which has not yet attended them.

The first objection may be supposed to consist of two parts. 1st. The abandonment of the principle, that neutral bottoms make neutral goods; an objection rather insinuated than expressed; and 2dly, the addition to the catalogue of contraband.

1st. On the first part of the objection, it is observable, that the statements of the late minister of exterior relations, and of Mr. Adet, seem to admit, but certainly do not controvert the position, that previous to the formation of the armed neutrality, a belligerent power could rightfully take out of the bottoms of a neutral the goods of its enemy. This position is believed to be uncontrovertible; some of the arguments in support of it have been already detailed, and it is deemed unnecessary to repeat or to add to them. To this principle of the armed neutrality, with a departure from which the United States seem to be impliedly charged, the note of M. de la Croix does not assign any obligation whatever; nor does he appear to consider it as having been engrafted by that confederation on the law of nations. On this point Mr. Adet has not been more expli-



cit. He seems to have been content with vague insinuations, and not to have been willing to commit himself by a direct averment, that in consequence of the armed neutrality, the law of nations on this subject is changed. The undersigned are unwilling to combat at length, a proposition not positively advanced, which they deem so clearly indefensible, and will therefore refer to the brief observation already made respecting it.

It may not, however, be improper here to notice, that in February, 1778, when the treaty between France and the United States was entered into, the armed neutrality had not been formed; of consequence, the state of things on which that treaty operated, was regulated by the law of nations, as it clearly existed previous to the formation of the armed neutrality. It is supposed to be admitted, that according to that state of things, neutral bottoms could afford no protection to the goods of an enemy. The stipulation then of the article of that treaty, was understood at the time, by the contracting parties, to form an exception to a general rule, which would retain its obligation in all cases where it was not changed. If then the contracting parties had designed to impose on each other the necessity of extending this exception to other nations, so as to convert it into a general rule, they would have expressed this intention in their contract: not having expressed it, they must be considered as intending that this exception should form a rule as between themselves, while the general rule should govern as with other nations who had not consented to change it.

It is also worthy of observation, that when this treaty was made, the United States were at war, and France at peace with Britain. In this state of things, which might have continued, had not war been declared, or hostilities commenced by England, the bottoms of France would have protected, from American cruisers, English property, while they would not have protected from British cruisers American property. This was the necessary result of that state of things under which the treaty was formed; America had consented to it; and neither could or would have complained.

It is also to be noticed, that before the negotiation with England had commenced, the government of the United States had openly avowed that opinion on this subject,



which its best judgment dictated. This opinion, perfectly unconnected with that negotiation, was known by all to form and regulate the basis of its conduct. The letters from Mr. Jefferson, already quoted, had stated to the world the perfect conviction of the United States, that by the law of nations, a belligerent power, not restrained by particular treaty, might rightfully take out of the bottoms of a neutral the goods of its enemy; as well as their determination, that they could not and ought not to oppose the exercise of this right. The right having been clearly and unavoidably admitted, and the determination to acquiesce under its exercise having been avowed openly, Mr. Jay could only solicit its surrender. Had no treaty been formed, or had that treaty omitted to mention the principle, the right would still have existed, would still have been acknowledged, and would still have been exercised. The treaty does not, in fact or in expression, cede a new privilege; it regulates the exercise of one before existing, and before acknowledged to exist. The harsh means of exercising this right, which are given by the law of nations, are modified and softened by the treaty, and this is the only effect which the article on this subject has produced; it was the only motive, and it was a sufficient motive for introducing it.

The second branch of this objection seems more to be relied on, and comes forward in a more decisive shape; it is—That the United States have abandoned the limit given to contraband by the law of nations, by their treaties with all other nations, and even by those of England with a greater part of the maritime powers.

The limit of contraband is supposed to have been extended, by inserting in the catalogue, naval stores, and timber for ship-building.

To estimate rightly a charge so warmly made, it becomes indispensable to ascertain whether these articles are, independent of treaty, by the law of nations contraband of war: on this single point seems to rest the verity of the accusation.

It is regretted that those, who have averred the negative, have not been pleased to furnish authorities in support of the opinion they advanced. Such authorities would have been considered with candour, and any conviction they might have produced would have been freely

acknowledged. But no such authorities are furnished, and it is believed that none exist.

America solicitous to confine as much as possible, by common consent, the list of contraband; but determined, however she might oppose its enlargement, not to attempt its diminution by force, was under the necessity of examining the subject, and of ascertaining the line of partition between the rights of neutrals and of belligerent powers.

As guides in such a search, she could only take the most approved writers on the law of nations. These are believed to class timber for ship-building, and naval stores for the equipment of vessels, among articles admitted to be contraband of war. Vattel (b. III. c. 7. sect. 112.) defines contraband goods to be "commodities particularly used in war: such are arms, military and *naval stores*, *timber*,\* horses, and even provisions in certain junctures, where there are hopes of reducing the enemy by famine." The treaty between France and Denmark, concluded in 1742, places tar, rosin, sails, hemp, cordage, masts, and timber for ship-building, on the catalogue of contraband: and Valin, in his commentary on the marine ordinances of France, (vol. 2. page 264.) says that "of right these articles are now contraband, and have been so from the commencement of the present century." In conformity with these opinions has been that of America; and if the law of nations was understood by the most approved jurists, she has not erred.

But the modern publick law of nations, and modern treaties, are said to have established a different rule. If the modern publick law of nations has changed the principle, such change is yet unknown to the United States. It is much to be wished, that more full and satisfactory information had been given in support of an opinion, a difference on which is alleged to have produced consequences so extremely calamitous.

It is not averred, that the armed neutrality has constituted this modern publick law. It is supposed that this cannot be averred, because France will never admit the right of a confederacy, whatever may be its power, to impose the law on those who are not parties to it. It is

[\* For ship-building.]

supposed also, that this cannot be averred for another reason. The members of the armed neutrality had not themselves agreed upon the articles which should be deemed contraband. Russia, the power originating that celebrated, though short lived compact, published in 1780 the principles on which she would maintain the commerce of her subjects : one of these was, that the articles of contraband should be regulated by the 10th and 11th articles of her treaty of commerce with Great Britain.

Afterwards, Denmark entered into a convention with Russia for maintaining generally the principles agreed upon ; but on the subject of contraband in particular, Denmark adopted as the rule by which to be governed, her treaty of commerce with Great Britain, concluded the 10th of July, 1670, in the third article of which, contraband goods are described to be "*any provisions of war, as soldiers, arms, machines, cannon, ships, or other things of necessary use in war.*" But by a convention concluded at London, on the 4th of July, 1780, between Great Britain and Denmark, to explain the treaty of commerce of 1670, between the two powers, "*Timber, for ship-building, tar, rosin, copper in sheets, sails, hemp and cordage, and generally whatever serves directly for the equipment of a vessel, unwrought iron and fir planks excepted,*" are declared to be contraband.

Denmark having, in her convention with Russia adopted her treaty with England, made in 1670, as declaratory of those articles which she would consider as contraband, and having by her explanatory agreement with England substituted a particular enumeration of articles for a general description of them, not as an amendment, but as an explanation of the treaty of 1670, has taken a different rule, in the very compact referred to as establishing a modern publick law of nations, from that taken by Russia. The rule of Denmark classes among contraband precisely the same articles which are enumerated as such in the treaty between the United States and Britain, and which are only found in that enumeration, because it is believed that the law of nations has unquestionably so placed them. Sweden and Holland too, in acceding to the armed neutrality, adopt their own treaties as the rule by which they will respectively be guided. There was then even among the parties to this agreement no fixed law of contraband.



Had the potentates of Europe designed to establish permanently and generally the principles of the armed neutrality, the war which originated that convention, would not have terminated without some general agreement concerning it: the efforts of Sweden to obtain a congress for examining and terminating the different concerns both of the powers at war and of the neutral states, could not have proved entirely abortive.

No argument then can be drawn from the armed neutrality in support of the position, that the modern publick law of nations, relating to contraband, has been abandoned by the United States. No modern publick law having been formed, the rule remains unchanged; and, at the present moment, as well as when the treaty with France was formed, is believed to ordain as contraband the articles enumerated as such in the treaty with Britain.

But it is alleged that, in this treaty, the United States have abandoned the limits given to contraband, by their treaties with all other nations, and even, by those of England with a greater part of the maritime powers.

It is true, that the United States, desirous of liberating commerce, have invariably seized every opportunity which presented itself to diminish or remove the shackles imposed on that of neutrals. In pursuance of this policy, they have on no occasion hesitated to reduce the list of contraband, as between themselves and any nation consenting to such reduction. Their pre-existing treaties have been with nations as willing as themselves to change the old rule: and consequently, a stipulation to that effect, being desired by both parties, has been made without difficulty. Each contracting party is deemed to have an equivalent for the cession made, in the similar cession it receives from the party with whom it contracts. Neither requires of the other, as an additional consideration, that it shall propagate by the sword the principles which form the basis of their private agreements, and force unwilling nations to adopt them; nor that it should decline to regulate by treaty its interests with any other nation which should refuse to accede to them: as little could either suppose that its particular contract contained any thing obligatory on others, or was capable of enlarging or diminishing their rights. The treaties of the United States then with other nations can only establish the limits of contra-



band, as between the contracting parties, and must leave that subject, with nations not parties to the contract, to the law which would have governed had such particular stipulation never been made. According to the existing state of things when the negotiations between the United States and Great Britain were opened, naval stores and timber for ship-building were, as between America and Britain, contraband of war : they would have retained this character had the treaty never been made : they would have retained it had the treaty contained no provision on the subject. The United States were truly desirous of excluding them from the list, but Britain was unwilling to do so. Had the United States possessed the means of coercion, their established policy, founded on the basis of justice, and their own peculiar situation, forbid a resort to these means for any other purpose than the defence of their own rights, or a compliance with their own engagements. It was not a case in which force would have been deemed justifiable ; and the object, being unattainable by mutual consent, was unavoidably relinquished for the moment. Yet it was proper to enumerate the articles which were before contraband, and which continued to be so, because that enumeration notified to the merchants of the United States the hazard which their commodities would encounter on the seas, and because also it prevents those vexatious altercations, which might otherwise have been produced by the efforts of one party to swell, and of the other to reduce the list.

If on the refusal of Britain to substitute any other rule concerning contraband, in the place of that established by the law of nations, France finds herself in a situation to be injured by an observance of her engagements with the United States, it is not the treaty with Britain, but that with France which has produced this situation. This was foreseen when that treaty was entered into, and did not prevent it. The stipulation concerning contraband was formed when France was at peace, and America at war ; although that state of things did not long continue, yet its continuance was by no means deemed impossible. Notwithstanding this, the government of the United States has manifested a willingness to change this stipulation, as well as that which respects enemies property in neutral

bottoms, so soon as France complained of them : of this the letter from Mr. Randolph to Mr. Adet, already quoted, affords conclusive testimony.

It appears then on examining this objection to the treaty between the United States and Britain, that it has not added to the catalogue of contraband a single article ; that it has ceded no privilege, has granted no right ; and that it has not changed in the most minute circumstance the pre-existing situation of the United States in relation either to France or to Britain. Notwithstanding those truths, the government of the United States has hastened to assure its former friend that, if the stipulations between them be found oppressive in practice, it is ready to offer up those stipulations a willing sacrifice at the shrine of friendship.

In vain will you search in this procedure for "a known and evident sacrifice on the part of the United States of their connections with this Republick, and of the most essential and least contested prerogatives of neutrality." In vain will you search for evidence of their "having given to England, to the detriment of their first allies, the most striking mark of an unbounded condescension, by abandoning the limits given to contraband by the law of nations, by their treaties with all other nations, and even by those of England with the greater part of the maritime powers."

The United States feel these reproaches, as conscious innocence feels the imputation of guilt.

2dly. It is also alleged, that "the United States have consented to extend the denomination of contraband even to provisions. Instead of pointing out particularly, as all treaties do, the cases of the effective blockade of a place, as alone forming an exception to the freedom of this article, they have tacitly acknowledged the pretensions raised by England to create blockades in our colonies, and even in France, by the force of a bare proclamation."

The objections to this article shall be considered according to its letter, and according to its operation.

The objectionable words are : "and whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniences and misunderstandings which might thence arise : It is further agreed that whenever

any such article so becoming contraband according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated; but the owners thereof shall be speedily and completely indemnified; and the captors, or, in their default, the government under whose authority they act, shall pay to the masters or owners of such vessels the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight and also the demurrage incident to such detention."

The admissions contained in this clause are,

- 1st, That provisions are not generally contraband, and
- 2dly, That they are sometimes contraband.

An effort was made to establish the precise cases in which alone they should be subject to seizure; but America would only consent to consider them as contraband in the case of an effective blockade, seige, or investment of a place; while on the part of England this strict interpretation of the rule was not admitted: but it was contended that provisions became contraband, when there were reasonable hopes of reducing the enemy by famine. In this opposition of sentiment, to what have the United States consented? "To extend the denomination of contraband even to provisions?" "To acknowledge tacitly the pretensions raised by England to create blockades in your colonies, and even in France, by the force of a bare proclamation?" "To secure to the English alone the carriage of meals?" "In a word, to have commerce only with England?" Reconsider the words themselves, and it will require no comment to prove how inapplicable to them are these assertions. The clause complained of, having stated the admission and the difficulty already mentioned, proceeds to say: "It is further agreed that whenever any such articles, so becoming contraband according to the laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified."

It is too clear to admit of contestation, that this clause does not declare provisions to be contraband, or admit of their seizure in any other case than where, "according to the existing law of nations, they should become contraband:" in such case the right to seize them is not given by this article, but is admitted by France and by all the world to exist independent of treaty. In such case they



would have been seized had this stipulation never been entered into; and would have been confiscated also. The only alteration, which is by the letter of the clause produced in the law of nations, is to exempt from confiscation goods which under that law would have been subject to it.

But it has been suspected to have an object and an operation in practice different from its letter. It has been suspected to cover a design to admit substantially certain principles, with respect to blockades, which in theory are denied.

Incapable of duplicity, America with the pride of conscious integrity, repels this insinuation, and courts an investigation of the facts on which it is founded.

The government of the United States and that of Britain, having construed the law of nations differently in this respect, each would have acted upon its own opinion of that law: the privateers of England would have seized as contraband any goods, deemed such in their courts of admiralty; and the government of the United States would have reclaimed such goods, and would have supported the demand in such a manner as its own judgment dictated. This procedure is not changed. The right to make such reclamation has not been relinquished, nor has the legality of the seizure, in any other case than that of an attempt to enter a place actually invested, been in any degree admitted.

It is true, that the British government renewed the order concerning provisions about the time of the ratification of this treaty: but it is not less true, that the government of the United States manifested a firm resolution to submit to no such construction, and remonstrated so seriously against it as to produce a revocation of the order. Nor is this all: claims for provisions seized in cases of a mere proclamation-blockade have been actually made, and have been actually decided in favour of the claimants. The British government has acquiesced under such decisions by paying the sums awarded. These sums were not limited to a reasonable profit on the price of the commodity seized, but were regulated by its price at the port of destination, and consequently the actual as well as avowed principle of such decisions was, that the goods seized



had not become contraband "according to the existing law of nations."

The intention of the government then, and the practice under the article, are in direct opposition to these injurious suspicions, the indulgence of which has produced such pernicious effects. It is even believed that the decision on this subject, will be one step towards the establishment of that principle for which America has never ceased to contend. It is also believed, and has ever been believed, that the article objected to would have a necessary tendency to increase, and did in fact increase the quantity of provisions imported from America into France and her colonies. The American commerce, being entirely in the hands of individuals, is consequently conducted by them according to their own views of particular advantage: they will unquestionably endeavour to supply the highest market, unless restrained from doing so by other considerations which render it unadvisable to attempt such a supply. In their calculations, the risk of reaching the market is too important an item to be passed over or forgotten. Every diminution of this risk adds to the number of those who will attempt the supply: and consequently a knowledge that the voyage, should it even fail by the seizure of the vessel, would yet be profitable, must increase the number of those who would make it.

It is plain then, that this article admits the seizure of provisions in no situation where they were not before seizable; and encourages their transportation to France and her colonies, by diminishing the risk of such transportation.

It is also complained of, that this treaty has not, "as all treaties do, pointed out particularly the cases of the effective blockade of a place," as alone forming an exception to the freedom of provisions.

Articles in a treaty can only be inserted by consent. The United States therefore can never be responsible for not having inserted an article to which the other contracting party would not assent. They may refuse to make any change in the existing state of things prejudicial to themselves or to other powers; and they have refused to make any such change. But it is not in their power to insert, as by common consent, an article, though merely declaratory of a principle which they considered as cer-

tainly existing, and which they mean to support, if such common consent be unattainable. All that can be done, in such a case, is to leave the principle unimpaired, reserving entirely the right to assert it. This has been done; the principle was left unimpaired, and has been since successfully asserted.

The United States are at all times truly solicitous to diminish as much as possible the list of contraband. It is their interest, in common with all other nations whose policy is peace, to enlarge, so far as they can be enlarged, the rights of neutrals. This interest is a sure guaranty for their using those means which they think calculated to effect the object, and which a just regard to their situation will permit. But they must be allowed to pursue the object in such a manner as may comport with that situation. While they surrender no actual right, in preserving which there is a common interest; while they violate no pre-existing engagement (and these they have not surrendered or violated) they must judge exclusively for themselves how far they will or ought to go in their efforts to acquire new rights, or establish new principles. When they surrender this privilege, they cease to be independent, and they will no longer deserve to be free. They will have surrendered into other hands the most sacred of deposits—the right of self-government; and instead of the approbation, they will merit the contempt of the world.

Those parts of the treaty between the United States and Britain, which have been selected by France as injurious to her, have now been examined. The undersigned are too well convinced that they in no degree justify the enmity they are alleged to have produced, not to rely on a candid reconsideration of them as a sure mean of removing the impressions they are supposed to have made.

Before this subject is entirely closed, one other objection will be noticed. The very formation of a commercial treaty with England seems to be reprobated as furnishing just cause of offence to France; and Mr. Adet has permitted himself to say: “It was a little matter only to allow the English to avail themselves of the advantages of our treaty: it was necessary to assure these to them by the aid of a contract, which might serve at once as a reply to the claims of France, and as peremptory motives for re-

fusals ; the true cause of which it was requisite incessantly to disguise to her under specious pretexts. Such was the object of Mr. Jay's mission to London ; such was the object of a negotiation enveloped from its origin in the shadow of mystery, and covered with the veil of dissimulation."

Passing over this extraordinary language, the undersigned, being only desirous of producing accommodation by the exhibition of truth, will consider the opinion which is obliquely hinted, and the fact which is directly averred.

The practice of forming commercial treaties is so universal among other nations, having any commercial intercourse with each other, that it seems unnecessary to discuss their utility. The right to form these treaties has been so universally asserted and admitted, that it seems to be the inseparable attribute of sovereignty, to be questioned only by those who question the right of a nation to govern itself, and to be ceded only by those who are prepared to cede their independence.

But the prosperity of the United States is, in a peculiar degree, promoted by external commerce. A people almost exclusively agricultural have not within themselves a market for the surplus produce of their labour, or a sufficient number and variety of articles of exchange to supply the wants of the cultivator : they cannot have an internal, which will compensate for the loss of an external commerce : they must search abroad for manufactures, and for many other articles which contribute to the comfort and convenience of life, and they must search abroad also for a market for that large portion of the productions of their soil, which cannot be consumed at home. The policy of a nation thus circumstanced, must ever be to encourage external commerce, and to open to itself every possible market for the disposition of its superfluities, and the supply of its wants. The commercial and manufacturing character and capacities of England must turn into that channel a considerable portion of the commerce of any nation under the circumstances of the United States. It is a market too important and too valuable to be voluntarily closed ; in consequence, a considerable portion of their commerce has taken that direction, and a continual solicitude has been manifested to regulate and secure it by contract. To abolish this commerce, or to refuse to give

it permanence and security by fair and equal stipulations would be a sacrifice which no nation ought to require, and which no nation ought to make. In forming her treaty of amity and commerce with the United States, France claimed no such prerogative. That treaty declares the intention of the parties to be, "to fix in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce, which the two parties desire to establish between their respective countries, states, and subjects;" and that "they have judged that the said end could not be better obtained than by taking for the basis of their agreement the most perfect equality and reciprocity; and by carefully avoiding all those burdensome preferences, which are usually sources of debate, embarrassment and discontent; by leaving also each party at liberty to make respecting commerce and navigation, those interior regulations which it shall find most convenient to itself; and by founding the advantage of commerce solely upon reciprocal utility, and the just rules of free intercourse; reserving withal to each party the liberty of admitting at its pleasure other nations to a participation of the same advantages." The treaty itself contains no stipulation in any degree contradictory to these declarations of the preamble, or which could suggest a suspicion that under those declarations was concealed a wish to abridge the sovereignty of the United States with respect to treaties, or to control their interests in regard to commerce. In forming a commercial treaty with Britain, therefore, in which no peculiar privilege is granted, the government of the United States believed itself to be transacting a business exclusively its own, which could give umbrage to none, and with which no other nation on earth would consider itself as having a right to interfere. There existed consequently no motive for concealing from or declaring to France, or any other power, that the negotiations of Mr. Jay might or might not terminate in a commercial treaty. The declaration therefore was not made; nor is it usual for nations about to enter into negotiations, to proclaim to others the various objects to which those negotiations may possibly be directed. Such is not, nor has it ever been the practice of France. To suppose a necessity or a duty on the part of one government thus to proclaim all its



views, or to consult another with respect to its arrangements of its own affairs, is to imply a dependence, to which no government ought willingly to submit. So far as the interests of France might be involved in the negotiation, the instructions given to the negotiator were promptly communicated. The minister of this Republick was informed officially that Mr. Jay was instructed not to weaken the engagements of the United States to France. Further information was neither to have been required or expected; indeed, that which was given furnished reason to suppose, that one of the objects of the negotiation with Great Britain was a commercial treaty. Why then such unnecessary and unmerited sarcasms against a cautious and unoffending ally? Those objects which she pursued were such as an independent nation might legitimately pursue, and such as America never had dissembled, and never deemed it necessary to dissemble her wish to obtain. Why should an effort be made to impress France with an opinion, that Mr. Jay was not authorized to negotiate a commercial treaty with Britain, when the fixed opinion of America had ever been, that France could not be and ought not to be dissatisfied with the formation of such a treaty? Why should the minister of France have been informed officially, that Mr. Jay was especially instructed not to weaken the engagements of the United States to France, if it was intended to convince that minister, that his power did not extend to subjects in any degree connected with those engagements? To what purpose should the government of the United States have practised a deception deemed by itself totally unnecessary, and which its utmost efforts could not long continue? It requires an equal degree of folly and vice to practise an useless fraud which must inevitably and immediately be detected, and the detection of which must expose its author to general infamy, as well as to the enmity of those on whom the fraud had been practised. These considerations ought to have produced some hesitation concerning the fact. The testimony in support of it ought to have been very positive and very unexceptionable before it received implicit faith. It should have been very clear that there was no mistake, no misunderstanding concerning the information communicated, before the charge was made in such terms as the minister of France has been pleased to employ:

but the testimony is believed to be satisfactory, that the government of the United States has not endeavoured to impress on France any opinion on this subject, which the fact of the case did not warrant.—The declaration of Mr. Randolph, made July 8th, 1795, is full to this point. It is in these words: “I never could with truth have informed the French minister, that the mission, as set forth in the President’s message to the Senate, contemplated only an adjustment of our complaints; if by this phrase it be intended to exclude commercial arrangements. I could have no reason for saying so, since the French Republick could have had nothing to do with our commercial arrangements, if they did not derogate from her rights: it could have answered no purpose when so short a time would develop the contrary—I never did inform the French minister as is above stated.

“The only official conversation, which I recollect with Mr. Fauchet upon this subject, was when I communicated to him, with the President’s permission, that Mr. Jay was instructed not to weaken our engagements to France: neither then nor at any other time in official, or unofficial conversation, did I ever say to him that nothing of a commercial nature was contemplated, or that nothing but the controversies under the old treaty and the spoliations were contemplated.

“Mr. Fauchet sometime ago said to me, that he understood from what I said, that Mr. Jay was not authorized to treat of commercial matters. I told him that he misunderstood me, no letter has ever passed upon this subject.”

If then, Mr. Randolph did give Mr. Fauchet the information contended for, it is plain that he never was authorized to do so; but the considerations already detailed render it infinitely more probable, that Mr. Fauchet has misunderstood Mr. Randolph, than that Mr. Randolph has misinformed Mr. Fauchet.

The undersigned have taken, they trust, a correct view of the leading and influential measures adopted by the government of the United States: they have endeavoured to state with plainness and with candour the motives which have occasioned the adoption of those measures, and the operation they are believed to have. They have shown, that if America is to be reproached with partiali-

ties, irreconcilable with her neutral situation, it is not by France that those reproaches ought to be made. They have been induced to take this review by a hope, which they cannot relinquish without regret, that it may contribute to efface impressions which misrepresentation may have made, and to take from the intentions and conduct of the government they represent, that false colouring which unfriendly pencils have so profusely bestowed upon them. They are anxious still to cherish the hope, that by exposing frankly and sincerely the sentiments which have hitherto guided their nation, they may restore dispositions on the part of France, compatible with the continuance of those sentiments.

Complaints have been made that in the application in particular cases of those general principles, which the neutral station of the United States rendered indispensable, inconveniences and vexations which were unavoidable have been sometimes sustained. These complaints have been separately and fully discussed.

The undersigned persuade themselves, that the explanations which have been given respecting them, if not entirely satisfactory, have yet been such as to prove the good faith and upright intentions which have never ceased to direct the conduct of the United States.

If notwithstanding this good faith and the purity of these intentions, the difficulty of their situation has in any case produced even an involuntary departure from those principles by which they professed to be guided, they are ready to consider that case and to repair any fault which may inadvertently have been committed. With these dispositions on their part, with this consciousness of having never ceased to merit the friendship and esteem of the French nation, with a conviction that a temperate and thorough view of the past cannot fail to remove prejudices not warranted by facts, the United States have relied confidently on the justice of France for a discontinuance and reparation of those serious and heavy injuries, which have been accumulated on them.

Desirous of establishing, not the dependence of a weak on a powerful nation, but that real and cordial friendship, the willing and spontaneous offering of generous minds, which can only be lasting when evidenced to be mutual, and can only be preserved when bottomed on reciprocal

justice, the undersigned will now represent with candour and frankness the well founded complaints with which they are charged.

These complaints consist :—

Of claims uncontroverted by the government of France, but which remain unsatisfied, and

Of claims founded on captures and confiscations, the illegality of which has not yet been admitted.

In the first class of cases are arranged ;

1stly, Those whose property has been seized under the decree of the national convention of the 9th May 1793.

2dly, Those who are entitled to compensation in consequence of the long detention of their vessels at Bordeaux in the years 1793 and 1794.

3dly, The holders of bills and other evidences of debts due drawn by the colonial administrations in the West Indies.

4thly, Those whose cargoes have been appropriated to publick use without receiving therefor adequate payment ; and

5thly, Those who have supplied the government under contracts with its agents, which have not yet been complied with on the part of France.

These well founded claims of American citizens, thus originating in voluntary and important supplies, in the forcible seizure of valuable property, accompanied with promises of payment, and in injurious detentions, constitute a mass of debt which the justice and good faith of the French government cannot refuse to provide for, and which is too considerable to be unnoticed by that of the United States. The undersigned are instructed to solicit your attention to this subject, and they would persuade themselves that they do not solicit in vain. So many circumstances concur to give force to the application, that they leave it to your government, in the confidence that no additional representations can be necessary.

They pass to complaints still more important for their amount, more interesting in their nature, and more serious in their consequences.

On the 14th Messidor, 4th year of the French Republick, one and indivisible (July 2d, 1796,) the executive directory decreed, “ That all neutral or allied powers shall without delay be notified that the flag of the French



Republick will treat neutral vessels, either as to confiscation, as to searches or capture, in the same manner as they shall suffer the English to treat them." This decree, in any point of view in which it can be considered, could not fail to excite in the United States the most serious attention. It dispenses at once as they conceive with the most solemn obligations which compact can create, and consequently asserts a right on the part of France, to recede at her discretion from any stipulations she may have entered into. It has been demonstrated that governments may by contract change, as between themselves, the rules established by the law of nations, and that such contract becomes completely obligatory on the parties, though it can in no manner affect the rights of others; yet by this decree, allies with whom such stipulations exist, are to be treated without regard to such stipulations, in the same manner as they are treated by others, who are bound by a different rule. This as it respects the United States is the more unfriendly, because a readiness has been manifested on their part so to modify by consent their treaty with France, as to reinstate the rules established by the law of nations.

The general terms too, in which this decree is conceived, threatened but too certainly the mischiefs it has generated, and the abuses which have been practised under it. Neutrals are to be treated as they shall permit the English to treat them. No rule extracted from the practice of England is laid down, which might govern the cruisers of France, or instruct the vessels of neutrals. No principles are stated, manifesting the opinion entertained of the treatment received from England, which might enable a neutral to controvert that opinion, and to show that the English were not permitted to treat its flag as was supposed by the government of France. To judge from the decree itself, from any information given concerning it, or from the practice under it, those who were to be benefitted by its abuse, were to decide in what manner it should be executed; and the cruiser who should fall in with a valuable vessel had only to consult his own rapacity, in order to determine whether an English privateer, meeting a vessel, under similar circumstances, would capture and bring her into port. Multiplied excesses, and accumulated vexations could not but have been apprehended from such a decree, and the fact has realized every fear that was enter-

tained concerning it. It has been construed even in Europe to authorize the capture and condemnation of American vessels, for the single circumstance of their being destined for a British port. At no period of the war has Britain undertaken to exercise such a power. At no period of the war has she asserted such a right. It is a power which prostrates every principle of national sovereignty and to which no nation can submit without relinquishing at the same time its best interests and sacrificing its dearest rights. This power has been exercised by France on the rich and unprotected commerce of an ally, on the presumption that that ally was sustaining the same injuries from Britain, at a time when it is believed that the depredations of that nation had ceased, and the principle of compensating for them had been recognised.

In the West Indies similar depredations have been experienced. On the 1st of August 1796, the special agents of the executive directory to the Windward Islands, decreed, that all vessels loaded with contraband, should be seized and confiscated for the benefit of the captors.

On the 7th Frimaire, 5th year of the French Republick, one and indivisible (27th November, 1796) the commission, delegated by the French Republick to the Leeward Islands, resolved, that the captains of French national vessels and privateers are authorized to stop and bring into the ports of the colony, American vessels bound to English ports, or coming from the said ports.

On the 19th Pluviose, 5th year of the French Republick, one and indivisible, (February 1st, 1797) Victor Hugues and Lebas, the special agents of the executive directory to the Windward Islands, passed a decree, subjecting to capture and confiscation neutral vessels destined for the Windward and Leeward Islands of America, delivered up to the English, and occupied and defended by the emigrants. These ports are said to be, Martinico, St. Lucie, Tobago, Demarara, Berbice, Essequibo, Port-au-Prince, St. Marks, L'Archaye, and Jeremie. The decree also subjects to capture all vessels which have cleared out for the West Indies *generally*.

The undersigned will not detain you, citizen minister, for the purpose of proving how directly and openly these decrees violate both the law of nations, and the treaty between France and the United States.

They have been executed on the officers and crews of the captured vessels, in a manner by no means calculated to mitigate their rigour.

The decree of the 14th of Messidor, was soon followed by another which has spared but little of the American commerce, except what has fortunately escaped the pursuit of the cruisers of France. On the 12th Ventose, 5th year, (2d March, 1797) the executive directory, considering the treaty of amity, commerce and navigation, concluded at London, the 19th of November, 1794, between the said United States and England, as containing concessions of privileges to Britain which, under the treaty of February, 1778, might be enjoyed by this Republick also, proceeds to modify the treaty between France and the United States, by declaring enemies goods, in American bottoms, liable to capture and confiscation; by enlarging the list of contraband; and by subjecting to punishment, as a pirate, any American citizen holding a commission given by the enemies of France, as well as every seaman of that nation, making a part of the crew of enemies' ships. The decree next proceeds to exact from Americans, papers which had been made necessary to establish the neutrality of foreign vessels, generally, by the ordinance of the 26th of July, 1778, but which had never been considered as applying to the United States, which required papers their vessels could not be supposed to possess, and which the treaty between the two nations was supposed to have rendered unnecessary.

The basis taken by the executive directory, on which to rest their modification of the treaty of the 6th of February, 1778, is, that by the treaty of the nineteenth of November, 1794, *particular favours in respect of commerce and navigation have been granted to England.*

It has been demonstrated, that no particular favours, in respect of commerce or navigation, have been granted to England. That treaty has been shown only to recognise, regulate and moderate the exercise of rights before possessed, and before openly acknowledged to be possessed—rights which France and America had reciprocally ceded to each other, without requiring, as a condition of the cession, that either should compel England to form a similar stipulation.

But to admit for a moment that the treaty with England might be considered as stipulating favours not before possessed; yet the American government did not so understand that treaty, and had manifested a disposition to modify, by common consent, its relations with this Republic, in such manner as to reinstate a rule, which has been voluntarily changed. It cannot but be sincerely regretted, because it seemed to indicate an unfriendly temper, that France has deemed it more eligible to establish by force, in opposition to her treaty, a principle which she deemed convenient, than to fix that principle on the fair basis of mutual and amicable agreement.

But the clause, under which these modifications are justified, is in these words: "The most christian king and the United States engage mutually not to grant any particular favour to other nations, in respect of commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favour freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional." If these stipulations unequivocally amounted to the grant of favours, still the grant is not gratuitous. The concessions on the part of the United States are made on condition of similar concessions on the part of Britain. If, therefore, France chooses to consider them as modifications of the treaty of 1778, she can only do it by granting the reciprocal condition: on this supposition, she has either of the rules at her election, but she cannot vary from the first without a compact on her part to grant the reciprocal stipulation. Such a compact is in the nature of a national treaty.

But the rules laid down in the decree of the 12th Ventose, 5th year (March 2, 1797) as founded on the 17th, 18th, and 21st articles of the treaty of the 19th November, 1794, are materially variant from those articles. To demonstrate this, it is only necessary to contrast the rules of the decree, with the articles of the treaty on which those rules are said to be founded.



*Articles of the Treaty of the  
nineteenth of November,  
1794, as quoted by the Di-  
rectory.*

Art. xvii. It is agreed, that in all cases where vessels shall be captured or detained *on just suspicion* of having on board enemies' property, or of carrying to the enemy any of the articles which are contraband of war, the said vessels shall be brought to the nearest or most convenient port; and *if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize*, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay in deciding the cases of ships or cargoes so brought for adjudication; and in the payment or recovery of any indemnification adjudged or agreed to be paid to the owners or masters of such ships.

According to the article, when *on just suspicion* of having on board enemy's property, or of carrying to the enemy contraband of war, a vessel shall be brought into port, that *part only which belongs to the enemy* shall be made prize, according to the article, then the fact whether the property does or does not belong to an enemy is to be fairly tried. The party who would establish the fact,

*Rules established by the ar-  
rête of the Directory.*

Rule i. According to the seventeenth article of the treaty of London, of the nineteenth of November, 1794, all merchandise of the enemy, or *merchandise not sufficiently proved to be neutral*, laden under the American flag, shall be confiscated, but the vessel on board of which it shall be found, shall be released and restored to the owner. It is enjoined on the commissaries of the executive directory, to accelerate, by all the means in their power, the decision of contests which shall arise either on the validity of the prize-cargo, or on the freight and demurrage.

must prove it. The captor must show the *justice* of the suspicion on which the capture or detention was founded. The burden of the proof rests on him. If in truth and in fact the property does not belong to an enemy, or is not proved to belong to an enemy, it must be discharged. But the rule pursues a different course. The rule declares, that merchandise of the enemy, or *not sufficiently proved to be neutral*, ladened under the American flag, shall be confiscated. The burden of the proof is shifted from the captor to the captured. The question to be tried is not solely whether the merchandise be in fact the property of an enemy, but also whether it be *sufficiently proved to be neutral*. The sufficiency of this proof is to be ascertained, not by general and satisfactory testimony, not by the great principles of truth, and the common understanding of mankind, but by the exhibition of certain papers demandable at the will of one of the parties, and not in the possession of the other. This may be a regulation which France chooses to establish; but certainly it is a regulation, essentially variant from the article it professes to resemble.

Art. xviii. In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or by sea; as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, salt-petre, ball, pikes, swords, head pieces, cuirasses, halberts, lances, javelins, horse furniture, holsters, belts, and generally all other implements of war; as also timber for ship-

Rule ii. According to the 18th article of the treaty of London, of the nineteenth of November, 1794, to the articles declared contraband by the 24th article of the treaty of the 6th of February, 1778, are added the following articles:

Timber for ship-building, pitch, tar and rosin, copper in sheets, sails, hemp and cordage, and every thing which serves *directly* or *indirectly* for the armament and equipment of vessels, unwrought iron and fir planks excepted. These several articles shall be confiscated whenever they shall be destined or attempt-

building, tar, or rosin, copper in sheets, sails, hemp and cordage, and generally whatever may serve *directly to the equipment of vessels*, unwrought iron, and fir plank only excepted.

The immense number of articles, which may serve indirectly for the armament and equipment of vessels, are made contraband by the rule of the directory, though they are not so by the article it professes to cite.

Art. XXI. It is likewise agreed, that the subjects and citizens of the two nations shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the party; nor shall the enemies of one of the parties be permitted to invite, or endeavour to enlist in their military service any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission or letters of marque, for arming any vessel to act as a privateer against the other party, it is hereby declared to be lawful for the said party to treat and punish the said subject or citizen having such commission or letters of marque as a pirate.

ed to be carried to the enemy.

Rule III. According to the 21st article of the treaty of London, of the 19th of November, 1794, every individual known to be an American, who shall hold a commission given by the enemies of France, as well as every seaman of that nation making a part of the crew of enemies' ships, shall, by that act, be declared a pirate, and treated as such, without being allowed, in any case, to allege that he was forced to do it by violence, menaces or otherwise.

The government of the United States has never formed a treaty comprehending an article in any degree similar to this rule. It has never assented to such stipulations as they relate to its own citizens, or required them as they relate to those of other powers. The difference between the article and the rule requires no comment. Nor will the rule be commented on. The undersigned will only observe, that the article is by no means uncommon, but is to be found in most treaties of amity and commerce. The 21st article of the treaty with France, the 19th of the treaty with the United Provinces, the 23d of the treaty with Sweden, and the 20th article of the treaty with Prussia, contain similar stipulations. It is not easy to conceive a reason why it should not also be inserted in a treaty with England, or why its insertion should give offence to France.

But the fourth rule of the decree is, in its operation, the most extensive and the most seriously destructive. That rule declares, that "conformably to the law of the 14th of February, 1793, the regulations of the 21st of October, 1744, and of the 26th of July, 1773, concerning the manner of proving the property of neutral ships and merchandise, shall be executed according to their form and tenour.

"Every American ship shall, therefore, be a good prize, which shall not have on board a list of the crew in proper form, such as is prescribed by the model annexed to the treaty of the 6th of February, 1778, the observance of which is required by the 25th and 27th articles of the same treaty."

This rule requires, that American ships and merchandise, in order to prove the property to be American, shall exhibit certain papers, and especially a rôle d'équipage, which are required of neutrals generally by the particular marine ordinances of France, recited in the decree of the directory. But France and America have entered into a solemn treaty, one object of which was to secure the vessels of either party, which might be at peace, from the cruisers of the other which might be engaged in war. To effect this object, the contracting parties have not referred each other to the particular statutes or ordinances of either government, but have enumerated the papers which should be deemed sufficient. They have done more: They have



prescribed the very form of the passport which should establish the neutrality of the vessel, and prevent her being diverted from her course. The 25th and 27th articles of the treaty between the two nations, which are quoted by the directory, and are considered by the undersigned as conclusive on this subject, are in these words:—

Art. xxv.—“To the end that all manner of dissensions and quarrels may be avoided and prevented on the one side and on the other, it is agreed, that in case either of the parties hereto should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the said ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty; and they shall likewise be recalled every year, that is, if the ship happens to return home in the space of a year. It is likewise agreed, that such ships, being laden, are to be provided not only with passports, as above mentioned, but also with certificates containing the several particulars of the cargo, the place whence the ship sailed, and whither she is bound, that so it may be known whether any forbidden or contraband goods be on board the same; which certificates shall be made out by the officers of the place, whence the ship set sail, in the accustomed form; and if any one shall think it fit or advisable to express in the said certificates the person to whom the goods on board belong, he may freely do so.”

Art. xxvii.—“If the ships of the said subjects, people or inhabitants of either of the parties, shall be met with either sailing along the coasts, or on the high seas, by any ship of war of the other, or by any privateers, the said ships of war or privateers, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with, and may enter her to the number of two or three men only, to whom the master or commander of such ship or vessel shall exhibit his passport, concerning the property of the ship, made out according to the form inserted in this present treaty; and the ship, when she shall have

showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course."

It will be admitted, that the two nations possess the power of agreeing, that any paper, in any form, shall be the sole document, demandable by either from the other, to prove the property of a vessel and cargo. It will also be admitted, that an agreement so made becomes the law of the parties, which must retain its obligation.

Examine then the words of the compact, and determine by fair construction what will satisfy them.

The 25th article states substantially the contents of a paper, which is termed a sea-letter or passport, and which "it is agreed that in case either of the parties should be engaged in war, the ships and vessels belonging to the subjects or people of the other ally must be furnished with." To what purpose are they to be furnished with this sea-letter or passport? The article answers, "To the end that all manner of dissensions and quarrels may be avoided and prevented, on one side and the other;" "That it may appear thereby that the ship really and truly belongs to the subjects of one of the parties."

But how will the passport "prevent and avoid all manner of dissensions and quarrels on one side or the other," if ordinances, both prior and subsequent to the treaty, are to be understood as controlling it, and as requiring other papers not contemplated in the publick agreement of the two nations? How is it to appear from the passport, "that the ship really and truly belongs to the subjects of one of the parties," if it is denied that the passport is evidence of that fact, and contended that other papers, not alluded to in the treaty, shall be adduced to prove it?

But the 27th article is still more explicit. It declares, that when a merchant ship of one of the parties shall be visited by the ships of war or privateers of the other, "the commander of such ship or vessel shall exhibit his passport, concerning the property of the ship, made out according to the form inserted in the present treaty, and the ship, when she shall have showed such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give

her chase, or force her to quit her intended course." What is it that shall prove the property of the vessel? The treaty answers, the passport. But the decree of the directory requires in addition certain other papers, perfectly distinct from the passport. The treaty declares, that "the ship when she shall have showed" (not the rôle d'équipage, or any other paper, required by the particular ordinances of either nation, but) "such passport, shall be free and at liberty to pursue her voyage, so as it shall not be lawful to molest or search her in any manner, or to give her chase, or force her to quit her intended course." Yet the vessels of America, after exhibiting "such passport," are not "free and at liberty to pursue their voyage;" they are "molested;" they are "chased;" they are "forced to quit their intended course;" they are captured and confiscated as hostile property.

It is alleged, that the form of the passport, which is annexed to the treaty, manifests that certain acts were to be performed by the person to whom the passport is delivered, and that such person ought to prove the performance of those acts.

But the treaty, far from requiring such proof, absolutely dispenses with it. The treaty declares, that the passport shall itself evidence the property of the vessel, and secure it from molestation of any sort. By consent of the parties then, the passport is evidence of all that either party can require from the other. Neither the right to give such consent, or the obligation of a compact formed upon it, can, as is conceived, ever be denied, nor can the form of the passport, whatever it may be, change the compact.

But let the words of the model be examined. They are :  
 "A tous ceux qui ces présentes verront : soit notoire que faculté et permission a été accordée à            maitre ou commandant du navire appelé            de la ville de            de la capacité de            tonneaux ou environ, se trouvant présentement dans le port de            qu'après que son navire a été visité et avant son départ, il prêtera serment entre les mains des officiers de la marine, que le dit navire appartient à un ou plusieurs sujets de            dont l'acte sera mis à la fin des présentes ; de même qu'il gardera les ordonnances et reglemens maritimes, et remettra une liste signée et confirmée par témoins, contenant les noms et surnoms, les lieux de naissance, et la demeure des per-

sonnes composant l'équipage de son navire, et de tous ceux qui embarqueront, lesquels il ne recevra pas à bord sans connoissance et permission des officiers de marine; et dans chaque port ou havre, il montrera la présente permission aux officiers et juges de marine."

It is material to observe, that the model requires the oath concerning the property of the vessel to be annexed to the passport, but does not require any other certificate, or the annexation of any paper whatever. Why this difference? It is a solemn proof of that for which the article stipulates, and therefore the model expresses that the evidence of this fact shall be annexed, but it does not require the production of the evidence of any other fact.

It seems then to be demonstrated, that the sea-letter or passport, a model of which is annexed to the treaty, is, by solemn agreement, to be received by each party as conclusive testimony, that the vessel producing such passport is the property of a citizen of the other, and is consequently to continue her voyage without molestation or hindrance.

But let it be supposed, that the treaty on this subject was less conclusive, and that its stipulations had been ambiguously expressed; yet it is certain, that it has been uniformly understood by both parties, as the undersigned have expounded it, and that neither France nor the United States, previous to the decree complained of, considered the vessels of either nation, producing the passport agreed on, as liable to capture for want of a rôle d'équipage.

For more than four years after her treaty with the United States, France was engaged in a war with Britain, and in the course of that time it was never suggested, that a rôle d'équipage was necessary for the protection of an American vessel. It does not weaken the argument that the United States were also parties to the war. The principle assumed is, that without the production of the papers required by the decree, the vessel does not appear to be, and cannot be considered as American property. If this principle be correct, it would not cease to apply, because the United States were engaged in the war. Was America even engaged in the war on the part of France, a British vessel carrying American colours would not be secured by the flag she bore. It would be necessary to prove by her papers, or other admissible testimony, that the vessel was American property. If this fact cannot appear without a



rôle d'équipage while the United States are at peace, neither could it appear without the same evidence if the United States were parties to the war.

About four years of the present war had also elapsed before this construction of the treaty, at the same time so wonderful and so ruinous, had disclosed itself. In the course of that time the ports of France were filled with the vessels of the United States. Very many of them sailed under contracts made for the government itself by its minister in Philadelphia. No one of them possessed a rôle d'équipage; no one of them was considered on that account as being liable to condemnation. Indeed, in some instances, vessels have been captured and discharged although this paper was not among those belonging to the ship.

Such a long course of practice appears to have evidenced unequivocally the sense of France on this subject.

It is too apparent to be questioned for a moment, that on the part of the United States no suspicion had ever been entertained, that such a paper could have been required. A rôle d'équipage could have been obtained with as much facility as that passport for which the treaty stipulates. Could it have been imagined that American vessels incurred the possible hazard of being retarded only one day in a voyage for want of such paper, it would in every instance have been supplied. No vessel would have sailed without it.

Your own mind, citizen minister, will suggest to you, with irresistible force, the extreme hardship of thus putting a new construction on a long existing contract, or of giving a new and unexpected extension to ancient municipal regulations, and of condemning thereby vessels taken on the high seas for want of a paper not known to be required, when they sailed out of port. If a rôle d'équipage was really considered by France as necessary evidence of any fact, the establishment of which was deemed essential, common usage, and those plain principles of justice which all nations should respect, indispensably require that the regulations should first be made known to a neutral and friendly nation by other means than by the capture and confiscation of its property. If this measure had been announced to the government of the United States, before it had been put in practice, and American vessels had sail-

ed without a rôle d'équipage, they would have taken upon themselves the hazard of such a procedure. But in a moment, when the ocean is covered with peaceful merchantmen, pursuing a just and lawful commerce, to bring into sudden operation a measure which had never before been applied to them, which had for so many years slept unheard of, and by the force of this regulation, to confiscate unguarded property which had been trusted to the seas, under the faith of solemn and existing treaties, and without a conjecture that this, more than any other formula, would have been required, is to impose on unoffending individuals a ruin from which no wise precautions, no human foresight could possibly have protected them.

On this subject then the undersigned appeal with confidence to the justice and equity of the French government.

But could it be conceded for a moment, that the executive directory might rightfully modify the treaty of France with the United States, by that of the United States with Britain, and might rightfully require a rôle d'équipage in order to establish the neutrality of a vessel, for want of which the vessel might be confiscated, yet, the cargo being proved to be neutral, ought to be safe.

According to the law of nations, the goods of an enemy found on board the ship of a friend, are liable to capture, and the goods of a friend found on board the ship of an enemy are safe. The United States and France have consented to change this rule as between themselves. They have agreed, that the goods of an enemy found on board the vessels of either party shall be safe, and that the goods of either found on board the vessel of an enemy shall be liable to capture. The one part of this rule is in consequence of and dependent on the other. The one part cannot on any principle of justice be abandoned while the other is maintained.

In their treaty with England the United States retain unchanged the principle of the law of nations. If France modifies her treaty in this respect by that of England, she ought to take the principle entire. If in conformity to the treaty between the United States and England, France claims the right of taking enemies property found on board an American ship, then, in conformity with that treaty also, France ought to spare American property found on board an enemy's ship. If, therefore, this extraordinary position could be maintained, that an American ship without a rôle

d'équipage becomes the ship of an enemy, still the cargo, being proved to be the property of a friend, ought, on the principle of modifying the treaty between the two nations by that with England, to have been restored to the owners.

The result of these regulations has been the most extensive and universal devastation of the American commerce. Not only vessels bound to and from the enemies of France, but vessels bound to and from her allies, and to and from her own ports have been seized and confiscated.

The inevitable consequence has been, that direct commerce between the two nations is almost annihilated, and that the property of American citizens has been taken to a much larger amount than would have been possible in a state of actual war.

Yet the government of the United States, wishing, if it be possible, to avoid even defensive measures, has sought assiduously and unremittingly, though hitherto without success, for such peaceful and amicable explanations as might do away existing animosities, and restore between the two republics that harmony which it so truly desires.

America has accustomed herself to perceive in France only the ally and the friend. Consulting the feelings of her own bosom, she has believed that between republics an elevated and refined friendship could exist, and that free nations were capable of maintaining for each other a real and permanent affection. If this pleasing theory, erected with so much care and viewed with so much delight, has been impaired by experience, yet the hope continues to be cherished that this circumstance does not necessarily involve the opposite extreme. It is believed that there exists no sufficient cause for solid and permanent enmity between France and the United States, but that on the contrary the interests of both would be promoted by that friendly intercourse, which a reciprocal observance of the great and immutable principles of justice would certainly establish and can alone preserve. Under this impression America resists the opinion that the present state of things has grown out of a digested system to which France designs to adhere. She wishes and she endeavours to persuade herself that temporary causes, which too often produce effects a sound and just policy must reprobate, connected with a misconstruction of the conduct of her government, as well as of the motives on which it has acted, may have occasioned those very seri-



ous aggressions of which she complains. She recedes therefore, even under the pressure of these aggressions, slowly and with difficulty from the attachments she has formed. So intertwined with every ligament of her heart have been the chords of affection which bound her to France, that only repeated and continued acts of hostility can tear them asunder.

The government of the United States, therefore, still searches the means of terminating peacefully, and in a manner which ought to be mutually satisfactory, the calamities of the moment, and of averting the still greater calamities which may be reserved for the future. Not even the discouraging and unusual events which had preceded the present effort to negotiate could deter that government from repeating its endeavours for the preservation of amity and peace. Three citizens of the United States have been deputed as envoys extraordinary and ministers plenipotentiary to the French Republick. Their instructions authorize and direct them to review the existing treaties between the two nations, and to remove by all proper means, the inequalities which have grown out of the stipulations of those treaties, in consequence of the refusal of England to adopt the principles they contain. They are also directed to give fair and complete explanations of the conduct of the government they represent; to state fully and truly the heavy injuries which their fellow-citizens have sustained; and to ask from the equity of a great and magnanimous Republick that compensation for those injuries, which, we flatter ourselves, their justice will not refuse, and their liberal policy will not hesitate to give.

Bringing with them the temper of their government and country, searching only for the means of effecting the objects of their mission, they have permitted no personal considerations to influence their conduct, but have waited under circumstances beyond measure embarrassing and unpleasant, with that respect which the American government has so uniformly paid to that of France, for permission to lay before you, citizen minister, these important communications with which they have been charged.

Perceiving no probability of being allowed to enter, in the usual forms, on those discussions which might tend to restore harmony between the two republicks, they have deemed it most advisable, even under the circumstances



of informality which attend the measure, to address to your government, through you, this candid review of the conduct, and this true representation of the sentiments and wishes of the government of the United States. They pray that it may be received in the temper with which it is written, and considered as an additional effort, growing out of a disposition common to the government and people of America, to cultivate and restore, if it be possible, harmony between the two republics. If, citizen minister, there remains a hope that these desirable objects can be effected by any means which the United States have authorized, the undersigned will still solicit and will still respectfully attend the development of those means.

If on the contrary no such hope remains, they have only to pray that their return to their own country may be facilitated; and they will leave France with the most deep-felt regret that neither the real and sincere friendship, which the government of the United States has so uniformly and unequivocally displayed for this great Republic, nor its continued efforts to demonstrate the purity of its conduct and intentions, can protect its citizens, or preserve them from the calamities which they have sought by a just and upright conduct to avert.

The undersigned pray you, citizen minister, to accept the assurances of their perfect respect and consideration.

CHARLES C. PINCKNEY,  
J. MARSHALL,  
E. GERRY.

Paris, Jan. 27, 1793, in the 22d year }  
of American Independence. }

*Translated Extract from the Bulletin des Lois, No. 173, printed at Paris, and enclosed with the quadruplicate of the Envoys' Letter, No. 6.*

Law relative to vessels laden with English merchandise, of the 29th Nivose, 6th year, [18th Jan. 1796.]

THE council of ancients, adopting the reasons for the declaration of urgency, which precedes the resolution herein after contained, approves the act of urgency.

Here follows the tenour of the declaration of urgency, and of the resolution of the 22d Nivose, [11th Jan. 1798.]

The council of five hundred, after having heard the report of a special committee upon the message of the executive directory of the 15th Nivose [4th January] relative to English merchandise :

Considering, that the interest of the Republick demands the most prompt measures against all vessels which may be loaded therewith ;

Declares, that there is urgency.

The council, after having declared the urgency, resolves as follows :

Article I. The character of vessels, relative to their quality of neuter or enemy, shall be determined by their cargo ; in consequence, every vessel found at sea, loaded in whole or in part with merchandise the production of England or of her possessions, shall be declared good prize, whoever the owner of these goods or merchandise may be.

Art. II. Every foreign vessel which, in the course of her voyage, shall have entered into an English port, shall not be admitted into a port of the French Republick, except in case of necessity ; in which case she shall be bound to depart from the said port as soon as the causes of her entry shall have ceased.

Art. III. The present resolution shall be printed.

BOULAY (of la Meurthe) President.

GUILLEMARDET, } Secretaries.

ROEMERS,

After a second reading, the council of ancients APPROVES the above resolution. The 29th of Nivose, sixth year of the French Republick [18th January, 1798.]

MARRAGON, President.

ET. LAVEAUX, }

KAUFFMANN, }

MENUAU, }

MERIC, }

Secretaries.

The executive directory orders, that the above law shall be printed, executed, and that it shall be sealed with the seal of the Republick.

Done at the national palace of the executive directory, the 29th Nivose, sixth year of the French Republick, one and indivisible. [18th January, 1798.]

For a true copy:

P. BARRAS, President.

By the Executive Directory,

The Secretary General, LAGARDE.

And sealed with the seal of the Republick.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 5, 1798.

I NOW transmit to both Houses, the communications from our envoys at Paris, received since the last, which have been presented by me to Congress.

JOHN ADAMS.

No. 7.

*Paris, March 9, 1798.*

DEAR SIR,—Agreably to what we represented to you in our No. 6. we prepared a letter to the minister of foreign affairs, on the subject of the late law authorizing the capture of neutral vessels, on board of which any productions of Great Britain or its possessions should be laden, showing how incompatible such law was with the rights of neutral nations and the treaty between France and America, its direct tendency to destroy the remaining commerce of our country, and the particular hardships to which it would subject the agricultural as well as commercial in-

terests of our countrymen, from the peculiar situation of the United States. We added, that under existing circumstances, we could no longer resist the conviction that the demands of France rendered it entirely impracticable to effect the objects of our mission; and that not being permanent ministers, but envoys extraordinary, with full power for particular purposes, we deemed it improper to remain longer in France after the impossibility of effecting those purposes had been demonstrated. Before however we took this measure and explicitly demanded our passports, we deemed it expedient to desire major Rutledge to call on Mr. Talleyrand, on the 19th ultimo, to know if he had any communication to make to us in consequence of our letter, dated the 17th and delivered the 31st of January. To this Mr. Talleyrand replied, that he had no answer to make, as the directory had not taken any order on the subject, and when they did, he would inform us of it. Still being anxious to hear explicitly from Mr. Talleyrand himself, before we sent our final letter, whether there were no means, within our powers, of accommodating our differences with France, on just and reasonable grounds, we wrote to him on the 27th of February, soliciting a personal interview on the subject of our mission; he appointed the second of March following. You will find in the exhibit A, herewith enclosed, what passed on that occasion. On the fourth instant we requested another interview. We have detailed in the latter part of the same exhibit, for your information, the substance of that conversation. From these accounts you may observe that the views of France with regard to us, are not essentially changed, since our communications with its unofficial agents in October last.

We have the honour to be, &c.

CHARLES C. PINCKNEY,  
J. MARSHALL,  
E. GERRY.

Col. Pickering, Secretary of the U. States.

( A. )

*March 2.*

At three o'clock we waited on Mr. Talleyrand, and were almost immediately introduced to him. General



Pinckney commenced the conversation by saying, that our government and ourselves were extremely anxious to remove the subsisting difference between the two republics; that we had received many propositions through Mr. Y. to which we had found it impracticable to accede; and that we had now waited on him for the purpose of inquiring whether other means might not be devised which would effect so desirable an object. The minister replied, that without doubt, the directory wished very sincerely on our arrival to see a solid friendship established between France and the United States, and had manifested this disposition by the readiness with which orders for our passports were given. That the directory had been extremely wounded by the last speech of general Washington, made to Congress when about to quit the office of President of the United States; and by the first and last speech of Mr. Adams. That explanations of these speeches were expected and required of us. General Pinckney expressed his surprise that the speech of general Washington was complained of, and said this was a new complaint. Mr. Talleyrand merely observed, that the directory was wounded at it; and proceeded. He said, that the original favourable disposition of the directory had been a good deal altered by the coldness and distance which we had observed. That instead of seeing him often, and endeavouring to remove the obstacles to a mutual approach, we had not once waited on him. General Pinckney observed, that when we delivered him our letters of credence, he informed us, that the directory in a few days would decide concerning us; and that when the decision was made he would communicate it to us. That this had for some time suspended any procedure on our part. He answered that this related only to our publick character, and not to private visits. General Pinckney said, that on an application made by his secretary for a passport for an American under his care, he was told that he must apply to the office of police, for that America had no minister in France, since the recall of Mr. Monroe. The minister said, that was very true; and then proceeded to say, that the directory felt itself wounded by the different speeches of Mr. Washington and Mr. Adams, which he had stated, and would require some proof, on the part of the United States of a friendly disposition previous to a

treaty with us. He then said that we ought to search for and propose some means which might furnish this proof; that if we were disposed to furnish it, there could be no difficulty in finding it; and he alluded very intelligibly to a loan. He said, he had several conferences with Mr. Gerry on this subject, who had always answered that we had no power. Mr. Gerry said, that he had stated other objections; that he had particularly urged that it would involve us in a war with Great Britain. He made no reply: and general Pinckney observed, that a loan had repeatedly been suggested to us, but that we had uniformly answered, that it exceeded our powers. Mr. Talleyrand replied, that persons at such a distance as we were from our government, and possessed as we were of the publick confidence, must often use their discretion, and exceed their powers for the publick good. That there was a material difference between acting when instructions were silent, and doing what was particularly forbidden; that if indeed a loan was positively forbidden, we might consider ourselves as incapable of making one; but if, as he supposed was the case (he looked the question) our instructions were only silent, that it must be referred to us to act in a case not provided for according to the best of our judgment, for the publick good: that in almost all the treaties made during the revolution, the negotiators had exceeded their powers; although the government appointing them was at no considerable distance. He particularized the treaty with Prussia, and several others. General Pinckney told him that our powers did not extend to a loan, and perhaps might forbid it. The minister still urged the difference between an express prohibition and mere silence. He then proceeded to state that the principal objection on the part of our government to a loan must be, that it would draw us out of the neutral situation in which we wished to continue; that there were various means of evading this; first, the secrecy of France, which might be relied on: and secondly, means of disguising the loan might be devised, which would effectually prevent its being considered as an aid during the present war: that if we were truly and sincerely desirous of effecting the thing, we should experience no difficulty in finding the means. He again stated a proposition of this sort, on our part, as being absolutely necessary to prove that the

government was not about entering into a treaty with persons of a temper hostile to it. Mr. Gerry not well hearing Mr. Talleyrand, who spoke low, asked him to explain himself with respect to the proposition which he had alluded to, supposing it to be a new one : and he answered that one of them was secrecy ; but that there were besides various ways which might easily be suggested to cover the loan, as an immediate one, by limiting the time of advancing it to distant instalments. Mr. Gerry observed, that Dutrimond had suggested that a loan was proposed to be made, payable after the war, and in supplies to St. Domingo. Mr. Talleyrand signified, that that might be one of the means used ; and said, that if we were only sincere in our wish, it would be easy to bring about the end. General Marshall told Mr. Talleyrand, that if the ministers of the United States had manifested any unwillingness to take all proper measures to reconcile the two republicks, or any indifference on the subject, they had very badly represented the feelings and wishes of their government ; that the government of the United States was most sincerely desirous of preserving the friendship of France, and had, in his opinion, unequivocally manifested that desire, by having deputed us under the extraordinary circumstances attending our mission, and by having so long patiently borne the immense loss of property which had been sustained ; that we had endeavoured, according to the best of our judgment, to represent truly this disposition of our government ; but that we understood that France would consider nothing as an evidence of friendship, but an act which would transcend and violate our powers, and at the same time operate the most serious injury to our country ; that neutrality, in the present war, was of the last importance to the United States, and they had resolved faithfully to maintain it ; that they had committed no act voluntarily, which was a breach of it ; and could do nothing in secret, which, if known, would justly arrange them among the belligerent powers ; that in the present state of things, if America was actually leagued with France in the war, she would only be required to furnish money ; that we had neither ships of war or men to be employed in it, and could consequently, as a belligerent power, only be asked for money ; that, therefore, to furnish money, was, in fact.



to make war; which we could by no means consent to do; and which would absolutely transcend our powers; being an act altogether without the view and contemplation of our government, when our mission was decided on: that with respect to supplies to St. Domingo, no doubt could be entertained that our merchants would furnish them very abundantly, if France would permit the commerce; and a loan really payable after the close of the war, might then be negotiated. Mr. Talleyrand again marked the distinction between silence of instructions and an express prohibition; and again insisted on the necessity of our proving, by some means which we must offer, our friendship for the Republick. He said, he must exact from us, on the part of his government, some proposition of this sort; that to prove our friendship, there must be some immediate aid, or something which might avail them; that the principles of reciprocity would require it. General Pinckney and general Marshall understood him, by this expression, to allude to the loan formerly made by France to the United States. Mr. Gerry, at the time, thought he alluded to the treaty to be made; and said, all treaties should be founded in reciprocity: and then asked him, whether a loan was the ultimatum of this government. Mr. Talleyrand did not give a direct answer to the question: he said, as he was understood, that the government insisted on some act which would demonstrate our friendly disposition towards, and our good wishes for the Republick; this once done, he said, the adjustment of complaints would be easy; that would be matter of inquiry; and if France had done us wrong, it would be repaired. But that if this was refused, it would increase the distance and coldness between the two republicks. The conversation continued in this style until four o'clock, when we took our leave, and agreed to meet in the evening.

In the course of it, and in reply to some observations of Mr. Talleyrand, respecting the proofs of friendship required by France, general Pinckney observed, that our being here was a mark of the friendly disposition of our government, and that while we were here, the government had passed a decree for seizing neutral vessels having on board any article coming out of England; which in its operation would subject to capture all our property on the



ocean. Mr. Talleyrand replied, that this was not particular to us, but was common to all the neutral powers. At another time, in answer to his demand of some mark of our friendship, general Marshall observed, that we considered the mutual interests of the two nations as requiring peace and friendship; and we relied on finding sufficient motives in the interest of France, to preserve that friendship; without forcing us to an act which transcended our powers, and would be so injurious to our country. As we were taking our leave, Mr. Talleyrand again noticed our not visiting him and said, that he conceived our not having had an audience from the directory ought not to have prevented it. General Marshall told him, that our seeing the directory, or not, was an object of no sort of concern to us; that we were perfectly indifferent with regard to it; but that we conceived that until our publick character was in some degree recognised, and we were treated as the ministers and representatives of our government, we could not take upon ourselves to act as ministers; because by doing so, we might subject ourselves to some injurious circumstance to which we could not submit. He said that was very true; but that we might see him as private individuals; and discuss the objects of difference between us.

We requested of Mr. Talleyrand another interview, at such hour as might be convenient to him, on the sixth instant. He answered, that he would receive us at half past eleven; at which hour we attended him.

Immediately after our arrival at his office, we were introduced to the minister; and general Pinckney stated, that we had considered, with the most serious attention, the conversation we had had the honour of holding with him a few days past: that the propositions he had suggested, appeared to us to be substantially the same with those which had been made by Mr. X. by Mr. Y. and also to Mr. Gerry, with an intention that they should be communicated to his colleagues; that we considered it as a proposition, that the United States should furnish aid to France, to be used during the present war: that though it was unusual to disclose instructions, yet we would declare to him, that in addition to its being a measure amounting to a declaration of war against Great Britain,

we were expressly forbidden by our instructions to take such a step.

The minister said, in the tone of a question, he supposed our instructions were, to do nothing which would amount to a departure from our neutrality.

General Pinckney said, that we were so instructed, and that they were still more particular. Mr. Talleyrand then proceeded to argue, that it would be no departure from neutrality, to stipulate a loan payable after the war: and spoke of it clearly as admitting of application to immediate use. He said a good deal of the secrecy with which the transaction might be clothed; and observed further, that a loan payable after the war would be a proof of our faithful observance of the duties of neutrality; since it would be considered as proving that we had rejected propositions for an immediate loan. General Marshall replied, that we thought differently; that in our opinion, any act, on the part of the American government, on which one of the belligerent powers could raise money for immediate use, would be furnishing aid to that power, and would be taking part in the war. It would be, in fact, to take the only part which, in the existing state of things, America could take. This was our deliberate opinion; and in addition to it, we considered our instructions as conclusive on this point.

He observed, that we had claims on the French government, for property taken from American citizens. Some of those claims were probably just. He asked, if they were acknowledged by France, whether we could not give a credit as to the payment—say for two years? We answered that we could. He then insisted that it was precisely the same thing; that by such an act, we should consent to leave in the hands of France, funds to which our citizens were entitled, and which might be used in the prosecution of the war. General Pinckney said there was a difference between the cases; that such prizes were now actually in the power of the French, without our consent; we could not prevent it or get them out; but the granting or not granting a loan was in our own power. He repeated his observation; and general Marshall said, that the property for which money was due to American citizens from the French government, was taken into the possession of that government, without any co-operation on

the part of the United States. No act of any sort was performed by our government, which in any degree contributed to place those funds in the hands of France, nor was there any consent towards it ; but in the case proposed, the act would be the act of the government ; the government would itself place funds in the hands of France, and thereby furnish means which might be employed in the prosecution of the war. This was the distinction between the cases, and in a question of neutrality, it appeared to us to be all important.—The minister then proceeded to state the case of our assuming the debt of our citizens, and of paying the money in that manner ; but general Pinckney and Mr. Gerry told him we were positively forbidden to assume the debt to our own citizens, even if we were to pay the money directly to them. He seemed surprised at this. General Pinckney observed, that contrary to usage, we had deemed it proper, in the existing state of things, to state candidly our powers to him, that he might know certainly that we could not secretly, or under any disguise whatever, make a loan which might be used during the war. Mr. Talleyrand said, he must resume his position, that there was a difference, which he must insist upon, between a loan payable immediately, and a loan payable in future ; and he still insisted there was no difference between a loan payable in future, and a credit for the money which might be due to our citizens. Mr. Gerry observed, that his colleagues had justly stated the distinction between the debt which will be due to the citizens of the United States from France, in case of her recognising the claims which we shall make in their behalf, and a debt which might arise from a loan by the government of the United States to that of France, during the war. The one is the result of an arrest of their property without their consent ; the other would be a voluntary act of the government of the United States, and a breach of their neutrality. There is an additional objection to the latter : if the United States should make such a loan, it would give too much reason to suppose that their government had consented, in a collusive manner, to the capture of the vessels of their citizens, and had thus been furnishing France with supplies to carry on the war. Our instructions are express, not to stipulate for any aids to France, either directly or indirectly, during

the war. With respect to a secret stipulation, a loan cannot be made without an act of the legislature : but if the Executive were adequate to it, we have had an instance of an injunction of secrecy on members of the Senate, on an important subject, which one of the members thought himself warranted in publishing in the newspapers ; and of frequent instances of secrets which have otherwise escaped : secrecy, in this instance, might therefore be considered, if the measure was in itself admissible, as being impracticable. General Marshall observed, that we had considered the subject with great solicitude, and were decidedly of opinion, that we could not, under any form, make a loan which could be used during the war ; that we could not tell what our government would do, if on the spot ; but were perfectly clear, that without additional orders, we could not do what France requested. Mr. Gerry observed, that the government and nation of the United States, as well as ourselves, were earnestly solicitous to restore friendship between the two republicks ; that as general Marshall had stated, we could not say what our government would do, if on the spot ; but if this proposition met the wishes of the government of France, general Marshall and himself had agreed immediately to embark for the United States, and lay before our government the existing state of things here, as it respected our nation, to enable them to determine whether any, and what other measures on their part were necessary. Mr. Talleyrand made no observation on this proposition : but inquired whether we expected soon to receive orders. Mr. Gerry mentioned an answer he had received to a letter sent by him in November ; and general Marshall stated, that our first despatches were sent on board two vessels at Amsterdam, on the 28th of November ; from which Mr. Talleyrand could form as just an idea as we could, when an answer might be expected : but he did not think it probable one would arrive before a month to come.—General Marshall told him, we knew that our government had not received our despatches on the 8th of January ; and we could not tell when they might be received. He asked whether our intelligence came through England ? General Marshall answered that it did not ; and general Pinckney said, that American papers as late as the 8th of January mentioned the fact.



There was some conversation about the time when these instructions might be expected ; and general Marshall suggested a doubt whether our government might give any instructions. He asked, with some surprise, whether we had not written for instructions ? and we answered, that we had not : and Mr. Gerry said that we had stated facts to our government, and conceived that nothing more was necessary. General Pinckney observed, that the government knowing the facts, would do what was proper ; and that our applying or not applying for instructions would not alter their conduct. Mr. Talleyrand then inquired whether we had not sent any one to the United States. General Pinckney said no : and Mr. Gerry added, that soon after our arrival we had made propositions to send one of our number, which were not accepted. And general Marshall further added, that those who had communicated with us, had told us we should be ordered out of France immediately ; and we had supposed that we should be ordered out before our letters could reach the government. Mr. Gerry then observed, that the government of France must judge for itself ; but that it appeared to him, that a treaty on liberal principles, such as those on which the treaty of commerce between the two nations was first established, would be infinitely more advantageous to France than the trifling advantages she could derive from a loan. Such a treaty would produce a friendship and attachment on the part of the United States to France, which would be solid and permanent, and produce benefits far superior to those of a loan, if we had powers to make it. To this observation Mr. Talleyrand made no reply. We parted without any sentiment delivered by the minister on the subject of our going home to consult our government.

As we were taking our leave of Mr. Talleyrand, we told him that two of us would return immediately to receive the instructions of our government, if that would be agreeable to the directory : if it was not, we would wait some time, in the expectation of receiving instructions.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 18, 1798.

I now transmit to Congress the despatch, number 3, from our envoys extraordinary to the French Republick, which was received at the Secretary of State's office, on Thursday the fourteenth day of this month.

JOHN ADAMS.

No. 8.

*Paris, April 3, 1798.*

DEAR SIR,—We herewith transmit you the copy of a letter written to us by the minister of foreign affairs, dated the 28th Ventose, (18th March) and purporting to be an answer to our memorial of the 17th of January.

We also send you in this enclosure a copy of our reply, which has been presented this morning. As soon as we certainly know what steps the French government mean to pursue in consequence of this reply, you shall be informed of them. We remain, &c.

CHARLES COTESWORTH PINCKNEY,

J. MARSHALL,

E. GERRY.

Colonel Pickering,  
Secretary of the United States.

## TRANSLATION.

*The Minister of Foreign Relations of the French Republick.  
to Messrs. Charles Cotesworth Pinckney, J. Marshall, and  
E. Gerry.*

THE undersigned minister of foreign relations of the French Republick, has laid before the executive directory, the memorial which the commissioners and envoys extraordinary of the United States of America have transmitted to him, under the date of 28th Nivose last, [17th January, 1798] and it is in execution of the intentions of the directory, which desires to convince the United States

of the true dispositions which animate it with respect to them, that the undersigned communicates to the commissioners and envoys extraordinary the following observations.

The first thing which must excite attention, in the memorial of the commissioners and envoys extraordinary, is the method which they have thought proper to pursue in the exposition and in the discussion of the points which are in dispute between the two states. The executive directory, animated with dispositions the most conciliatory, and penetrated with the interests which should draw the two nations together, as well as eager to concur in the well known wish of the two people, to maintain a perfect intimacy, had reason to expect, that the envoys would have brought, in the name of their government, dispositions entirely similar, and a temper previously prepared by the same views and the same desires. What must be, after this, the surprise of the executive directory, when the undersigned rendered it an account of a memorial, in which the commissioners and envoys extraordinary, reversing the known order of facts, have aimed to pass over, as it were in silence, the just motives of complaint of the French government, and to disguise the true cause of the misunderstanding, which is prolonged between the two republics ! So that it would appear, from that exposition, as partial as unfaithful, that the French Republick has no real grievance to substantiate, no legitimate reparation to demand, whilst the United States should alone have a right to complain, should alone be entitled to claim satisfaction.

The designs, which have induced a preference of this course to every other, have not escaped the executive directory ; and it is as well from a just sentiment of the dignity of the Republick, whose interests are confided to it, as to provide eventually against the views, which may be contemplated by such conduct, that it has charged the undersigned to dispel these empty appearances, which indeed cannot exist when facts shall be re-established, and the true intentions of the directory shall be solemnly made to appear, in opposition to those which can be attributed to it only gratuitously, and by taking advantage of its silence.

An incontestable truth, and one which has been entirely passed over in the memorial of the commissioners and envoys extraordinary, is, that the priority of grievances and complaints belonged to the French Republick; that these complaints and these grievances were as real as numerous, long before the United States had the least grounded claim to make, and consequently before all the facts, on which the envoys rest with so many details, had existed.

Another truth, not less incontestable, is, that all the grievances which the commissioners and envoys extraordinary exhibit, with the exceptions, which the undersigned was ready to discuss, are a necessary consequence of the measures which the prior conduct of the United States had justified on the part of the French Republick, and which its treaties with the said United States authorized in certain cases, which it depended upon the general government of the union to create or not to create.

It would be foreign to the purpose to enter into an enumeration of the complaints which the French government had room to make against the federal government, since the commencement of the war, excited against the French Republick, by a power jealous of its prosperity and its regeneration. These details are contained in the numerous official communications, made at Philadelphia by the ministers of the Republick, and have been recapitulated by the predecessor of the undersigned, in a note addressed, under the date of 19th Ventose, in the 4th year, [9th March, 1796] to the minister plenipotentiary of the United States at Paris, and very particularly detailed in the official note of citizen Adet, dated at Philadelphia, on the 25th Brumaire, in the 5th year [15th November, 1796.] Complaint was made in the above note of the inexecution of the treaties concluded in 1778, in the only clauses in which France had stipulated some advantages, in return for the efforts which she engaged to make for the common benefit, and against the insults offered to the dignity of the French Republick.

In fact, from the commencement of the war, the American tribunals have claimed the right to take cognizance of the validity of prizes, carried into the ports of the United States by French cruisers. It has resulted from this pretension, contrary to the letter of the treaty of commerce of



1778, that the property of citizens of the Republick has been unjustly detained, and that French cruising has been totally discouraged in the American seas against an enemy, who revived the most barbarous laws of that mode of warfare, to destroy and insult the American commerce, even under the eyes of the federal government.

That government did not confine itself to favour the enemies of the French Republick in a point so essential, a point on which in truth some abuses might arise, but which the French government manifested itself disposed to prevent; it even went so far as to permit enemy's vessels, contrary to the literal meaning of the above treaty, to put into the ports of the United States, after having captured *the property or ships belonging to French citizens*. Soon afterwards a national corvette, at anchor in the port of Philadelphia,\* was seized by order of the government, and this arrest was afterwards extended even to her commander. The American tribunals, in like manner, arrested the person of the ex-governour of Guadaloupe, for acts of his administration; and it was necessary that the executive directory should threaten to make reprisals to put this affair in the course prescribed by the law of nations.

During the whole space of time which has been just reviewed, the French government made fruitless efforts to induce the government of the United States, to procure for the agents of the Republick, the legal means of carrying into effect the clauses of the consular convention of 1788, which granted to our navigation and commerce, privileges whose principle was consecrated by the treaties of 1778; and nothing could ever be obtained in this respect but fruitless references to the tribunals. In general, all matters, which, with intentions sincerely conciliatory, should have been terminated by means of negotiation, were habitually referred to the judicial authorities; and these, whether they were or were not subject to a secret influence, in the end either deprived the Republick of rights founded upon treaties, or modified their exercise as suited the system of the government.

Such was the true state of things in the month of August, 1795, the period when the ratification of the treaty of amity, navigation and commerce, signed at London in

\* Seizure of the *Cassius*, in August, 1795.

the month of November preceding, between the United States and Great Britain, filled the measure of the grievances of the Republick.

What had been, until then, the conduct of the French government towards the United States? The undersigned, in order to contrast it with that of the said states, will content himself with recalling facts, which cannot however have been forgotten.

Occupied with the most pressing cares in Europe, the Republick did not direct her attention to the United States, but in order constantly to give them new proofs of the most sincere friendship and interest, and she left it to her agents, amicably to discuss with the federal government, the controversies which have just been sketched, and which, had they been handled on both sides in the true spirit of conciliation, could not have altered their good understanding to the present degree. The Republick was hardly constituted, when a minister was sent to Philadelphia, whose first act was to declare to the United States, that they would not be pressed to execute the defensive clauses of the treaty of alliance, although the circumstances, in the least equivocal manner, exhibited the *casus fœderis*. Far from appreciating this conduct, the American government received it as the acknowledgment of a right; and it is in this spirit also, that the commissioners and envoys extraordinary have met this question in the beginning of their memorial. The minister of the Republick at Philadelphia, having given uneasiness to the American government, was readily recalled, even with circumstances of extreme rigour. His successor carried to the United States every desirable reparation, as well as declarations the most friendly and sincere.

Nothing equals the spirit of conciliation, or rather of condescension, in which his instructions were drawn, relatively to all the points which caused any uneasiness in the federal government. The citizen Adet again enforced, in the name of the National Convention, those expressions of good will; and that assembly itself received, with the effusion of an unbounded confidence and security, the new minister, whom the President of the United States sent to it, with the apparent intention of sincerely corresponding with the dispositions which the Republick had not ceased to profess.

What might appear incredible is, that the Republick, and her alliance, were sacrificed at the moment when she thus redoubled her regards for her ally; and that the corresponding demonstrations of the federal government, had no other object, but to keep her, as well as her government, in a false security.—And yet it is now known, that, at this very period, Mr. Jay, who had been sent to London, solely, as it was then said, to negotiate arrangements relative to the depredations committed upon the American commerce, by the cruisers of Great Britain, signed a treaty of amity, navigation and commerce, the negotiating and signing of which had been kept a profound secret at Paris and at Philadelphia. This treaty was avowed to our minister plenipotentiary only at the last extremity; and it was communicated to him only for form's sake, and after it had received the ratification of the Senate. When the agents of the Republick complained of this mysterious conduct, they were answered by an appeal to the independence of the United States, solemnly sanctioned in the treaties of 1778—a strange manner of contesting a grievance, the reality of which was demonstrated by the dissimulation to which recourse was had—an insidious subterfuge, which substitutes for the true point of the question, a general principle, which the Republick cannot be supposed to dispute, and which destroys, by the aid of a sophism, that intimate confidence, which ought to exist between two allies, and which, above all, ought to exist between the French Republick and the United States.

If it be difficult to find in this conduct what ought to be expected from a friend, what must be thought of the treaty itself, and of its provisions? This treaty is now known to all Europe; and the small majority by which it passed the two Houses, as well as the multitude of imposing wishes which were expressed by the nation against such an act, bear honourable testimony in favour of the opinion which the French government has adopted concerning it. The undersigned will not repeat, with respect to this treaty, what his predecessor has said of it, in his note of the 19th Ventose, before cited, and in that of the 19th Messidor following, nor what the minister plenipotentiary of the Republick at Philadelphia has set forth, at great length, in his official note of the 25th Brumaire. He

will content himself with observing, summarily, that in this treaty, every thing having been calculated to turn the neutrality of the United States to the disadvantage of the French Republick, and to the advantage of England ; that the federal government having in this act made to Great Britain concessions, the most unheard of, the most incompatible with the interests of the United States, the most derogatory to the alliance which subsisted between the said states and the French Republick ; the latter was perfectly free, in order to avoid the inconveniences of the treaty of London, to avail itself of the preservative means with which the law of nature, the law of nations, and prior treaties, furnished it.

Such are the reasons which have produced the decrees of the directory, of which the United States complain, as well as the conduct of its agents to the West Indies. All these measures are founded on the 2d article of the treaty of 1778, which requires, that, in matters of navigation and commerce, France should always be, with respect to the United States, on the footing of the most favoured nation. The executive directory cannot be arraigned, if, from the execution of this eventual clause, some inconveniences have resulted to the American flag. As to the abuses which may have sprung from that principle, the undersigned again repeats, that he was ready to discuss them in the most friendly manner.

From this faithful exposition of facts, which have progressively led to the present misunderstanding between the two states, it results, as the undersigned has said, in the beginning of this answer, that the priority of grievances belongs to the French Republick ; and that such of its measures as may have occasioned the complaints of the United States, are, with some exceptions, the natural consequence of a state of things, which it depended upon them to create or not create.

If the undersigned should terminate the exposition of the grievances of the Republick with the treaty of London, he would imperfectly fulfil his task—It is his duty to carry his views further. From the moment that the treaty in question was put into execution, the government of the United States seemed to think itself freed from the necessity of keeping any measures with the Republick ; notwithstanding the reiterated assurance which had been



given to its ministers, that the treaty would in no respect change the pre-existing state of neutrality of the United States, notice was given in the course of the year 1796, to the French cruisers, that they could no longer, as had been until then practised, be permitted to sell their prizes in the ports of the United States. This decision was rendered by the federal court of justice, and founded upon the treaty concluded between the United States and Great Britain.

The newspapers, known to be under the indirect control of the cabinet, have since the treaty redoubled the invectives and calumnies against the Republick and against her principles, her magistrates, and her envoys. Pamphlets, openly paid for by the minister of Great Britain, have re-produced, in every form, those insults and calumnies, without a state of things so scandalous having ever attracted the attention of the government, which might have repressed it. On the contrary, the government itself was intent upon encouraging this scandal, in its publick acts. The executive directory has seen itself denounced in a speech delivered by the President in the course of the month of May last (O. S.) as endeavouring to propagate anarchy and division within the United States. The new allies which the Republick has acquired, and who are the same that contributed to the independence of the Americans, have been equally insulted in the official correspondences which have been made publick, or in the newspapers. In fine, one cannot help discovering, in the tone of the speech and of the publications which have been just pointed out, a latent enmity which only waits an opportunity to break out.

Facts being thus established, it is disagreeable to be obliged to think that the instructions, under which the commissioners have acted, have not been drawn up with the sincere intention of attaining pacifick results ; because, far from proceeding in their memorial upon some avowed principles and acknowledged facts, they have inverted and confounded both, so as to be enabled to impute to the Republick all the misfortunes of a rupture, which they seem willing to produce by such a course of proceeding. It is evident that the desire plainly declared of supporting, at every hazard, the treaty of London, which is the principal grievance of the Republick, of adhering to the spirit in which this treaty was formed and executed, and of

not granting to the Republick any of the means of reparation, which she has proposed, through the medium of the undersigned, have dictated those instructions. It is equally evident, that no hesitation is made in sacrificing to these strange sentiments, those, which the treaties of 1778, and the recollection of the circumstances in the midst of which they were concluded, ought to inspire.

The remote consequences of such conduct have not escaped the attention of the directory. It is desired, while nothing is omitted to prolong the misunderstanding, and even to augment it, to throw upon the Republick all the odium, in the view of America and of Europe. It is sought to justify by delusive appearances the prejudices with which the name of the Republick is surrounded at pleasure, and the system of exasperation and alienation which is pursued in relation to it, with the most strange obstinacy. It is finally wished to seize the first favourable occasion to consummate an intimate union, with a power, towards which a devotion and partiality is professed, which has long been the principle of the conduct of the federal government.

The intentions which the undersigned here attributes to the government of the United States, are so little disguised, that nothing seems to have been neglected at Philadelphia to manifest them to every eye. It is probably with this view, that it was thought proper to send to the French Republick, persons whose opinions and connections are too well known, to hope from them dispositions sincerely conciliatory. It is painful for the undersigned to be obliged to make a contrast between this conduct, and that which was pursued towards the cabinet of St. James, under similar circumstances. An eagerness was then felt to send to London, ministers well known for sentiments corresponding with the object of their mission. The Republick, it seems, might have expected a like deference; and if the same propriety has not been observed with respect to it, it is exceedingly probable, that it is to be attributed to the views above alluded to by the undersigned.

It is impossible to foresee whither such dispositions may lead. The undersigned does not hesitate to believe, that the American nation, like the French nation, sees this state of things with regret, and does not consider its consequences without sorrow. He apprehends, that the American people will not commit a mistake, concerning

the prejudices with which it has been desired to inspire them against an allied people, nor concerning the engagements which it seems to be wished to make them contract to the detriment of an alliance, which so powerfully contributed to place them in the rank of nations, and to support them in it; and that they will see in these new combinations, the only dangers their prosperity and importance can incur.

Penetrated with the justice of these reflections and their consequences, the executive directory has authorized the undersigned to express himself with all the frankness which becomes the French nation. It is indispensable, that in the NAME of the directory he should dissipate those illusions, with which for five years the complaints of the ministers of the Republick have been incessantly surrounded at Philadelphia, in order to weaken, calumniate, or distort them: it was essential, in fine, that by exhibiting their sentiments in an unequivocal manner, he should clear up all the doubts, and all the false interpretations, of which they might be the object.

It is, therefore, only in order to smooth the way of discussions, that the undersigned has entered into the preceding explanations. It is with the same view, that he declares to the commissioners and envoys extraordinary, that notwithstanding the kind of prejudice, which has been entertained with respect to them, the executive directory is disposed to treat with that one of the three, whose opinions, presumed to be more impartial, promise, in the course of the explanations, more of that reciprocal confidence, which is indispensable.

The undersigned flatters himself, that this overture will not meet, on the part of the commissioners and envoys extraordinary, with any serious difficulty. It is still more natural to hope it, because, by the tenour of their powers, the said commissioners and envoys extraordinary, are authorized to negotiate jointly or separately: so that nothing but the desire of preventing any accommodation could produce any objection against this measure; which moreover is only pointed out to the commissioners themselves, in order that nothing may here bear an unfavourable appearance; and which evidently has no other object than to assure to the negotiation an happy issue, by avoiding at the outset every thing which may on either side

awaken, in the course of this negotiation, sentiments calculated to endanger it.

The undersigned hopes, that the commissioners and envoys extraordinary will soon enable him to inform the executive directory of their determination. Whatever this determination may be, the undersigned flatters himself, that the explanations into which he has entered, will have placed the subjects in dispute in their true light, and may eventually serve to dissipate, in the eyes of all impartial men, the unfavourable impression, which it might be endeavoured to fix upon the intentions of the French Republick and its government. He concludes by renewing to the commissioners and envoys extraordinary the assurance of his consideration.

CH. MAU. TALLEYRAND.

Paris, 28th Ventose, 6th year. [18th March, 1798.]

Faithfully translated,

JACOB WAGNER.

*The Ministers Plenipotentiary and Envoys Extraordinary from the United States of America to the French Republick, to the Minister of Exterior Relations.*

CITIZEN MINISTER,—Your letter of the 28th Ventose (18th March) in answer to a memorial of the undersigned, dated 17th January, was received the day after its date, and has been considered with the most respectful attention.

In that memorial, the undersigned, without furnishing cause for reproach, might have limited themselves to a statement of the numerous and well-founded complaints of the nation they represent. They have been induced to extend their observations to other subjects, by that sincere desire to re-establish harmony and mutual confidence between the two republicks, which the government of the United States has never ceased to feel and to express. Supposing that those misrepresentations, to which human actions and human sentiments must ever continue to be exposed, might have impressed on the mind of the French government, occupied with the great and interesting events of Europe, the unfounded suspicion of partiality, on the part of America, for the enemies of France,



the undersigned cherished the hope, that a complete review of the conduct of their government, accompanied with a candid and thorough investigation of the real principles on which that conduct was founded, by removing prejudices, might restore sentiments which the United States have ever sought, and still seek to preserve.

In taking this review, it was obvious that a minute discussion of every particular fact might incumber the examination with details which previous explanations had rendered unnecessary, and therefore it was confined to those leading measures of which the particular cases were the necessary result. The undersigned, however, declared, and they still declare, that if the government of the United States has given just cause of complaint to that of France, in any case, they are ready to consider and to compensate the injury: that negotiation, the opening of which they have for nearly six months unremittingly solicited and patiently attended, would, if entered upon, demonstrate the sincerity of this declaration.

Still animated by the same spirit which has dictated all their efforts to approach this Republick, still searching to remove unfavourable impressions, by a candid display of truths, and a frank manifestation of the principles which have really governed the United States, and still endeavouring thereby to facilitate the restoration of harmony between two nations, which ought to be the friends of each other; the undersigned will lay before you the result of their reflections on your letter of the 28th Ventose.

Whatever force you may please to allow to their observations, the relative situation of the two republicks, it is hoped, will not fail to convince you that they proceed from the most perfect conviction of their justice. You contend, citizen minister, that the priority of complaint is on the side of France, and that those measures, which have so injured and oppressed the people of the United States, have been produced by the previous conduct of their government.

To this the undersigned will now only observe, that if France can justly complain of any act of the government of the United States, whether that act be prior or subsequent to the wrongs received by that government, a disposition and a wish to do in the case what justice and

friendship may require, is openly avowed, and will continue to be manifested.

Your complaints against the United States may be classed under three heads.

1st, The inexecution of their treaties with France.

2dly, The treaty of amity, commerce and navigation formed with Great Britain.

3dly, The conduct of their government since that treaty.

If the undersigned shall be disappointed in their hope to convince you, that on no one of these points can their government be justly inculpated, yet they persuade themselves that the demonstration of the good faith and upright intention, with which it has ever acted, will be complete and satisfactory. This being proved, and a tender of compensation for any unintentional wrong being made, a base for accommodation is offered, which they must yet hope will be acceptable to France.

1st, The inexecution of the treaties between the United States and France. Under this head, you complain, first—That from the commencement of the war, the American tribunals have, in effect, pretended to the right of taking cognizance of the validity of prizes brought into the ports of the United States.

2dly, That against the textual sense of the treaty, the government has permitted the ships of the enemy to come to in their ports, after having captured property or vessels belonging to French citizens.

3dly, That it has ordered the arrest of a national corvette, anchored in the port of Philadelphia, and that the arrestation has extended to the captain commandant.

4thly, The refusal to provide the means to execute the consular convention.

These complaints shall be considered in the order in which they are made.

1st. From the commencement of the war, the American tribunals have, in effect, pretended to the right of taking cognizance of the validity of prizes, brought into the ports of the United States by French cruisers.

You have not been pleased to state a case, in which this right has been asserted, and the undersigned are persuaded that no such case exists.

Far from asserting it, the government of America has expressly disclaimed it. Mr. Jefferson, the then Secretary of State, in his letter to Mr. Morris of the 16th of August, 1793, which letter was laid before the French government, declares, "that the United States do not pretend any right to try the validity of captures made on the *high seas* by France, or any other nation, on its enemies.

"These questions belong of common usage, to the sovereign of the captor, and whenever it is necessary to determine them, resort must be had to his courts. This is the case provided for in the 17th article of the treaty, which says, that such prizes shall not be arrested, nor cognizance taken of the validity thereof; a stipulation much insisted on by Mr. Genet and the consuls, and which we never thought of infringing or questioning."

Mr. Randolph, the successor of Mr. Jefferson, in his letter to Mr. Fauchet, of the 29th May, 1795, says, "As to prizes made by legal cruisers on the *high seas*, it never was the intention of the President to interpose, he having abstained (as the 17th article of our treaty of commerce imports) from examining into their lawfulness."

Mr. Monroe, in his letter to your predecessor, of the 15th March, 1796, says, "You will observe, I admit the principle, if a prize was taken upon the *high seas*, and by a privateer fitted out within the Republick or its dominions, that in such case, our courts have no right to take cognizance of its validity. But is any case of this kind alleged? I presume none is or can be shown."

But the United States have deemed it an indispensable duty to prevent, so far as they could prevent, the practice of hostility against nations with whom they were at peace, within their own limits, or by privateers fitted out in their own ports.

For the reasoning of their government in support of this decision, the undersigned will again refer to the letter of Mr. Jefferson already quoted.

"Another doctrine advanced by Mr. Genet is, that our courts can take no cognizance of questions, whether vessels, held by them as prizes, are lawful prizes or not; that this jurisdiction belongs exclusively to their consulates here, which have been lately erected by the national assembly into complete courts of admiralty.

“ Let us consider first, what is the extent of the jurisdiction which the consulates of France may rightfully exercise here. Every nation has, of natural right, entirely and exclusively, all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend upon the instrument of cession. The United States and France have, by their consular convention, given mutually, to their consuls jurisdiction in certain cases especially enumerated. But that convention gives to neither the power of establishing complete courts of admiralty, within the territory of the other, nor even of deciding the particular question of prize or not prize. The consulates of France then cannot take judicial cognizance of those questions here.

“ Of this opinion Mr. Genet was when he wrote his letter of May 27th, wherein he promises to correct the error of the consul at Charleston, of whom in my letter of the 15th I had complained as arrogating to himself that jurisdiction; though in his subsequent letters he has thought proper to embark in the errors of his consuls.

“ The real question is, whether the United States have not a right to protect vessels within their waters, and on their coasts? The Grange was taken within the Delaware, between the shores of the Jerseys and of the Delaware state, and several miles above its mouth. The seizing of her was a flagrant violation of the jurisdiction of the United States. Mr. Genet, however, instead of apologizing, takes great merit, in his letters, for giving her up. The William is said to have been taken within two miles of the shores of the United States. When the admiralty declined cognizance of the case, she was delivered to the French consul, according to my letter of June 25th, to be kept until the Executive of the United States should examine into the case, and Mr. Genet was desired, by my letter of June 29th, to have them furnished with the evidence on behalf of the captors, as to the place of capture; yet to this day it has never been done. The brig Fanny was alleged to be taken within five miles from our shore: the Catherine within two miles and an half. It is an essential attribute of the jurisdiction of every country to preserve peace and punish acts in breach of it, and to restore



property taken by force within its limits. Were the armed vessel of any nation to cut away one of our own from the wharves of Philadelphia, and to choose to call it a prize, would this exclude us from the right of redressing the wrong? Were it the vessel of another nation, are we not equally bound to protect it while within our limits? Were it seized in any other waters or on the shores of the United States, the right of redressing it is still the same: and humbled indeed would be our condition were we obliged to depend for that on the will of a foreign consul, or on any negotiation with diplomatic agents. Accordingly this right of protection within its waters, and to a reasonable distance on its coasts, has been acknowledged by every nation and denied to none; and if the property seized be yet within their power, it is their right and duty to redress the wrong themselves.

“France herself has asserted the right in herself, and recognised it in us, in the 6th article of our treaty, where we mutually stipulate, that we will *by all the means in our power* (not by negotiation) protect and defend each other’s vessels and effects in our ports or roads, or on the seas near our countries, and recover and restore the same to the right owners. The United Netherlands, Prussia and Sweden, have recognised it also in treaties with us; and indeed it is a standing formule inserted in almost all the treaties of all nations, and proving the principle to be acknowledged by all nations.”

In the letter of Mr. Randolph to Mr. Fauchet, already cited, that gentleman resumes this subject, and Mr. Fauchet in answer says: “The admiralty courts have always ceded to the entreaties of our enemies for their intervention in prize causes; in truth, frequently and almost constantly, by using the double plea of which you spoke to me, that is to say, by arguing either of seizure within the jurisdiction line of the United States, or of armament or augmentation of armament of the capturing vessels, in their ports. On this subject, sir, you request me to specify a circumstance where a prize was arrested, which did not come under that denomination, and you take the trouble to establish, that they have a right to intervene in every case that can be brought under those heads. In the first place, sir, I never have, at least to my recollection, con-

tested the right of your courts, or of the government, to interfere in matters of the nature of those you mention."

It would seem to be incontestable, that the principle asserted by the United States, which indeed is an unquestionable principle, has been admitted in its utmost latitude by France. It is believed that in the execution of this principle, the government and tribunals have only been guided by a sense of duty and the obligations of justice. If in any case that can be selected, wrong has unintentionally been committed, that wrong has grown inevitably out of the situation of the United States, and of the conduct of persons they have been unable to control, and will with readiness be corrected.

2dly. That against the textual sense of the treaty, the government has permitted the ships of the enemy to come to in their ports, after having captured property or vessels belonging to French citizens.

It is to be regretted, that you have not been pleased to state some particular case, if the case be founded on a fact, which has manifested this permission: or if it be founded in principle, the precise difference between the construction given by the President of the United States to the article of the treaty of the 6th of February, 1778, relative to this subject, and that for which you may contend. For the want of such a guide, the undersigned may discuss unnecessary points, without giving you complete satisfaction on that which in your mind may constitute the real difficulty.

The 17th article is in these words: "It shall be lawful for the ships of war of either party and privateers freely to carry whithersoever they please the ships and goods taken from their enemies, without being obliged to pay any duty to the officers of the admiralty or other judges; nor shall such prizes be arrested or seized when they come to or enter the ports of either party, nor shall the searchers, or other officers of those places, search the same, or make examination concerning the lawfulness of such prizes; but they may hoist sail at any time and depart, and carry their prizes to the places expressed in their commissions, which the commanders of such ships of war shall be obliged to show: on the contrary, no shelter or refuge shall be given in their ports to such as shall have made prize of the subjects, people or property of either

of the parties ; but if such shall come in, being forced by stress of weather or the dangers of the sea, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.”—Do you contend, citizen minister, that this article ought to be rigidly construed according to its letter? If you do, it becomes necessary to ascertain what are the disabilities to which its letter really subjects the vessels belonging to the enemies of France. They are, 1st. That no shelter or refuge shall be given in the ports of the United States to the ships of war or privateers belonging to the enemy, *which shall have made prize* of the subjects, people or property of France. —2dly. That if such ships of war or privateers shall come in, being forced by stress of weather or the danger of the seas, all proper means shall be vigorously used that they go out and retire from thence as soon as possible.

The letter of the article does not exclude generally the ships of war belonging to the enemy, but those only *which have made prize* of the subjects, people or property of France. That the vessel shall have made a prize is a part and an essential part of the description. Whether the vessel be or be not within this description is a fact, the ascertainment of which must precede the measures to be taken in consequence of that fact. When the fact shall have been ascertained, the letter of the article denies refuge or shelter to the ship of war or privateer, but not to the prize which may have been made. You well know, citizen minister, that if the letter of the article is to be set up against its spirit, when the former is most favourable to the views of France, the letter must still be adhered to, though it should counteract those views. The situation of the United States bound them to observe, between the belligerent powers, an exact neutrality, in all cases where their previous treaties had not stipulated advantages or imposed disabilities.

They could not refuse to one belligerent power those rights of ordinary hospitality which were enjoyed by others, which the common usages of nations permit, and which were forbidden by no particular treaty. Such refusal would have been manifestly partial, and a plain departure from that neutral position in which the United States found themselves, and which good faith, integrity, and their best interests impelled them religiously to maintain.



Thus circumstanced it was the duty of the government to give its true construction to a treaty granting advantages to one of the belligerent powers, and imposing disabilities on another. In searching for this true construction, its best judgment ought to be exercised, and the dictates of that judgment ought to be obeyed. The United States have done so. They have refused shelter in their ports to the prizes made on the French Republick, or to the ships of war belonging to the enemy and accompanying such prizes.

They have permitted ships of war, not bringing prizes with them, to remain in their ports, without instituting tribunals to inquire whether such ships have at any time captured French citizens or French property. The reasoning on which this decision was founded, and which appears to the undersigned to have been conclusive, will not now be repeated. It has been detailed in several letters from the Secretary of State of the United States to the minister of France in Philadelphia. The undersigned will only observe that the construction supposed to be just, and for that reason actually put upon the article, is believed to be more favourable than the literal construction to the interests of France.

Ships of war which have made prizes on this Republick, if they enter the ports of the United States without such prizes, ought indeed, under the letter of the article, to be ordered to depart as soon as the fact can have been ascertained; but the prizes themselves are permitted to remain in safety. By the actual construction, a ship of war entering without a prize, is permitted to remain, but all shelter is refused to a ship of war which is accompanied by a prize, and also to the prize itself. It would seldom happen that a ship of war not driven in by stress of weather, or the danger of the seas, would wish to continue in port longer than the time which would unavoidably be consumed in ascertaining the fact of her having made a prize, but it must often happen that a prize now excluded from the ports of the United States, would find shelter in them if the literal construction of the treaty should be adopted.

This exposition given by the United States to this article was made known in 1793—France has never signified a wish that the literal construction throughout should be



pursued: This strengthens the opinion entertained by the undersigned, that the rule on this subject, so early established by the American government, is considered by the Republick as more favourable to its interests, than a rule conforming entirely to the letter of the article.

3dly. "The government of the United States has ordered the arrest of a national corvette\* anchored in the port of Philadelphia, and the arrestation has been extended to the captain commandant."

The undersigned beg leave to state the case which is the foundation of this complaint. In the statement itself they trust will be found a complete justification of the conduct of the United States.

The *Cassius*, under the name of "*les Jumeaux*," was fitted and armed for a vessel of war in the port of Philadelphia, in violation of a law of the United States. In December, 1794, having escaped from the port to descend the river, orders were given to the militia of the state of Delaware to intercept her. The attempt was made and failed. The crew of *les Jumeaux*, which was unexpectedly found to be very numerous, resisted the officers who went on board, manned their cannon and brought them to bear on the cutter in which the militia, about forty in number, were embarked. Their force being inadequate to the enterprise, they retired with an intention to return the next day with a reinforcement. They did so, but *les Jumeaux* had sailed and gone to sea. The agent, Mr. Guenet, by whom *les Jumeaux* had been fitted out, was tried at the circuit court in Philadelphia, convicted of the offence, and received sentence of fine and imprisonment.

*Les Jumeaux* proceeded to St. Domingo; Samuel B. Davis, a citizen of the United States, there took the command of her, with a commission from the French government. Davis probably sailed from Philadelphia in *les Jumeaux*, for the purpose of finally taking the command of her. Her name was now changed to "*le Cassius*," and on a cruise she took a schooner called the *William Lindsay*, belonging to Messrs. Yard and Ketland of Philadelphia, Mr. Ketland having purchased an interest in her after her sailing. The schooner and her cargo were condemned as prize at St. Domingo. In August, 1795,

\* *Le Cassius*.

captain Davis, commanding the *Cassius*, came with her to Philadelphia; she was immediately known. Mr. Yard, with a view of obtaining an indemnification for the loss of the schooner and her cargo, libelled the *Cassius* in the district court, and caused the captain to be arrested. Soon after, the supreme court being in session, captain Davis's counsel applied for and obtained a prohibition to the district court to stop its proceedings, by which the suits both against him and the *Cassius* were defeated. The prohibition was granted on this principle, that the trial of prizes taken without the jurisdiction of the United States, and carried to places within the jurisdiction of France for adjudication, by French vessels, and all questions incidental to it, belong exclusively to the French tribunals; and consequently that its vessels of war, and their officers, are not liable to process of our courts, predicated upon such capture and subsequent proceeding within the jurisdiction of the French government.

Messrs. Yard and Ketland having failed to obtain indemnification in this mode, procured new process, on the information of Mr. Ketland, to be issued from the circuit court, by which the *Cassius* was attached as a vessel armed and equipped as a ship of war, in the port of Philadelphia, with intent to cruise and commit hostilities against nations with whom the United States were at peace, in violation of the act of Congress prohibiting such armament. Mr. Adet complained that the process was taken out of the circuit court, because, as he alleged, it had no jurisdiction, and that it would be attended with delay, that court sitting but twice a year; whereas the district court, in which it was said the prosecution, if at all permitted, should have been commenced, was always open. Gentlemen of legal knowledge were consulted on the point of jurisdiction in this case, and they were decided in their opinion, that the circuit court had jurisdiction, and exclusively of the district court. The government of the United States had no part in originating this prosecution; and the district attorney, in behalf of the United States, took measures, at each term of the circuit court, to prepare the cause for trial, and on a plea calculated to defeat the prosecution. At length, in October term, 1796, the cause was brought to an hearing. In the course of the argument, the question of jurisdiction presented itself.—The

court adjourned until next day to consider of it : and the following morning dismissed the suit.

The undersigned may be permitted to ask, whether in a change of situation, placing France precisely in the circumstances of the United States, either the corvette or her captain would have escaped.

4thly. The refusal to provide the means to execute the consular convention of the 14th November, 1788.

As you have not selected the particular parts of this convention supposed to remain unexecuted, the undersigned must necessarily consider the more definite charges heretofore made on the same subject as being adopted by you.

Your predecessor in office, in his letter to Mr. Monroe of the 19th Ventose 4th year (9th March, 1796) complains 1st, That the clause granting to French consuls the right of judging exclusively in disputes between Frenchmen, is become illusory for the want of laws giving them the means of having their decisions executed.

2dly. The right of causing mariners who desert to be arrested, is rendered ineffectual, because the judges charged by the laws with issuing the mandates of arrest have lately required the presentation of the original roll of the crew, in contempt of the 5th article admitting in the tribunals of both powers, copies certified by the consul.

It is then understood to be required,

1st. That the officers of the United States should execute the judgments of the consuls :

2dly. That the judges of the United States should issue mandates of arrest against persons charged with being deserters, without a view of the *original* roll of the crew.

It is very justly observed by Mr. Jefferson, in his letter to Mr. Morris which has been already cited, that, " every nation has, of natural right, entirely and exclusively all the jurisdiction which may be rightfully exercised in the territory it occupies. If it cedes any portion of that jurisdiction to judges appointed by another nation, the limits of their power must depend upon the instrument of cession." The parties to the convention profess its object to be, " to define and establish in a reciprocal and permanent manner the functions and privileges of consuls and vice consuls."



It is to be expected then, as well from the intention of the convention establishing the tribunal, as from the nature of the tribunal itself, which is a foreign court, constituted by a foreign authority, governed by foreign laws, and amenable for its conduct to a foreign government, that no power is to be implied, and that it possesses no capacity, which is not expressly given to it. To ascertain then the precise extent of the stipulation, let the convention itself be considered.

The first point rests exclusively on the 12th article which is in these words, "All differences and suits between the subjects of his most christian majesty in the United States, or between the citizens of the United States within the dominions of the most christian king, and particularly all disputes relative to the wages and terms of engagement of the crews of the respective vessels, and all differences, of whatever nature they may be, which may arise between the privates of the said crews, or between any of them and their captains, or between the captains of different vessels of their nations, shall be determined by the respective consuls and vice consuls, either by a reference to arbitrators, or by a summary judgment, and without costs. No officer of the country civil or military shall interfere therein, or take any part whatever in the matter: and the appeals from the said consular sentences shall be carried before the tribunals of France or of the United States to whom it may appertain to take cognizance thereof."

In this article no engagement is made to furnish the means of executing consular judgments. If therefore the preceding positions be just, there is an end of the question. But other arguments present themselves in support of the construction contended for by the United States. The consular authority in a foreign country is usually either voluntary or enforced by the laws of the nation to which the consuls belong, and which may bind their own citizens or subjects under penalties to be inflicted on their return, or otherwise. Upon this idea it was sufficient to stipulate a permission of the jurisdiction in exclusion of the courts of the country: on any other idea, it would have been necessary to have stipulated explicitly and perhaps in detail the manner in which its sentences should be executed. To accede to the demands of France would



be to erect in a foreign country complete courts of justice with effectual process to compel the appearance of parties and witnesses, and to execute their decisions. And as the transactions in commerce could not in the nature of things be confined to foreigners alone, the citizens of the country must often be necessary witnesses to those transactions, and of course rendered amenable to this foreign jurisdiction in their own country; whereas the jurisdiction granted by the article, is only of French consuls over French citizens in the United States, and reciprocally of American consuls over the citizens of the United States in France. This would be to extend by implication, the authority of a foreigner over persons not contemplated by the treaty as subject to it. The article declares too, "that no officer of the country, civil or military, shall interfere therein, or take any part in the matter." But sheriffs, marshals and their deputies, or any other persons appointed by and acting under the laws of the country, are "officers of the country," and consequently cannot aid in the execution of consular decisions, because they are expressly forbidden, "to interfere therein or take any part whatever in the matter."

But was it meant that the laws should give consuls the power to appoint such executive officers of their own nation? Should it be conceded that a person so appointed could not be considered as an officer of that nation by virtue of and according to whose laws he held his office, still we find no such thing in the convention. On the contrary in the case of deserters from vessels, mentioned in the 9th article, whom the consuls are authorized to cause to be arrested, they are expressly directed to apply in writing to the "courts, judges, and officers competent" to make the arrests, meaning the courts, judges and officers of the country where the consuls reside. In addition to this, if power could be given to consuls to appoint officers to execute their decisions, these officers must of course have their fees of compensation to be paid by one or other of the parties. But the article giving the jurisdiction declares that the consular judgments shall be "without costs."

The second complaint is, that the judges of the United States have required the exhibition of the *original* roll of the crew as the testimony which would authorize the

issuing of a mandate, to apprehend a French mariner charged as a deserter.—The right to require these mandates is founded entirely on the 9th article of the consular convention.

That declares “ That the consuls and vice consuls shall address themselves, to the courts, judges and officers competent, and shall demand the said deserters in writing, proving by an exhibition of the *registers of the vessel or ship's roll*, that those men were part of the said crews ; and on this demand *so proved* (saving however where the contrary is proved) the delivery shall not be refused.”

It would be an idle waste of time to attempt to prove to you, citizen minister, that *the register of the vessel or ship's roll*, is not a copy of that paper, or that a copy does not satisfy a law which peremptorily requires the exhibition of the original. Your predecessor has thought proper to refer to the 5th article of that instrument ; but a slight perusal of that article will convince you, citizen minister, that it does not apply to the case. When the judges of the United States determined that the mandate of arrest could not be issued on the exhibition of a “ copy of the register of the vessel or ship's roll,” they did not so decide for the purpose of giving effect to the system of the government, but because the treaty was clearly understood by them positively to require the presentation of the original.

The undersigned regret, citizen minister, that your researches concerning the United States have not extended to their courts. You would have perceived and admired their purity. You would have perceived that America may repose herself securely on the integrity of her judges, and your justice would have spared the insinuations concerning them which have closed this part of your letter.

The undersigned will now consider what you have stated with respect to the treaty of amity, commerce and navigation, formed with Great Britain.

You complain, citizen minister, in very strong terms, of the deception alleged to have been practised with respect to the objects of Mr. Jay's mission to London, and also of the contents of the treaty which that mission produced. You are pleased to observe that it was then said, that Mr. Jay had been sent to London, *only* to negotiate arrangements relative to the depredations committed on the American commerce by the cruisers of Great Britain.

By whom, citizen minister, was this said? not by the President in his message to the Senate, announcing the nomination of Mr. Jay: nor by the then Secretary of State, in communicating to Mr. Fauchet the subject of that mission. The documents with respect to this assertion have been stated and have been fully commented on. It has been fully demonstrated that the American government did not seize this occasion to practise a deception so unnecessary, so foreign to its well known character, and which could produce only mischief to itself. As you have in no degree weakened the testimony which is relied on as disproving this allegation, or produced any sort of evidence in support of it, the undersigned cannot but mingle some degree of surprise with the regrets they feel at seeing it repeated, accompanied with the charge of that "dissimulation," of which all who examine well the conduct of the government of the United States will so readily pronounce it to be incapable. You also criminate the secrecy which attended this negotiation. To this complaint, when formerly insisted on, it was answered, that so much of it as was material to this Republick was immediately communicated to her minister; and that she had no right to inquire further, or to be dissatisfied that other objects were not disclosed; that it is not the practice of France, nor of any other nation, to communicate to others the particular subjects of negotiation which may be contemplated; and that no nation could be independent, which admitted itself to be accountable to another, for the manner in which it might judge proper to regulate its own concerns, on points in which that other was not interested, or which was bound to give previous intimation of every article, which might be inserted in a treaty, formed on the avowed principle of leaving in full force all pre-existing engagements. This reasoning is answered only by terming it a "sophism," "an insidious subterfuge." May not any reasoning, on any subject, be answered in the same manner? But can such an answer impair its force? Without doubt, citizen minister, the government of the United States, when it informed France that the negotiations of Mr. Jay would not in any respect weaken its engagements to this Republick, would have added, that they might eventually extend to a commercial treaty, if it had been supposed that the omission to give such information could really be considered as



a breach of legitimate obligation, or as an evidence of diminished friendship. The information was most probably not given, because it was unusual, and because it could neither be considered as proper, as necessary, or as material. The undersigned trust that the painful and unavailing discussions on this subject, rendered so unpleasant by the manner in which it has been treated, will never again be renewed.

Passing to the treaty itself, you say that the small majority by which it was sanctioned in the two houses of congress, and the number of respectable voices raised against it in the nation, depose honourably in favour of the opinion which the French government has entertained of it. But you must be sensible, citizen minister, that the criterion by which you ascertain the merits of the instrument in question, is by no means infallible, nor can it warrant the inference you draw from it. In a Republick like that of the United States, where no individual fears to utter what his judgment or his passions may dictate, where an unrestrained press conveys alike to the publick eye the labours of virtue, and the efforts of particular interests, no subject which agitates and interests the publick mind can unite the publick voice, or entirely escape publick censure. In pursuit of the same objects a difference of opinion will arise in the purest minds, from the different manner in which those objects are viewed; and there are situations in which a variety of passions combine to silence the voice of reason, and to betray the soundest judgments. In such situations, if the merit of an instrument is to be decided, not by itself, but by the approbation or disapprobation it may experience, it would surely be a safer rule to take as a guide the decision of a majority, however small that majority may be, than to follow the minority. A treaty too may be opposed as injurious to the United States, though it should not contain a single clause which could prejudice the interests of France. It ought not to be supposed that a treaty would for that reason be offensive to this Republick.

Had you been pleased to state any objections to this instrument drawn from the compact itself, the undersigned would have given to those objections the most serious and respectful consideration. But it is supposed that you adopt, without adding to, the complaints made by your predecessor and by Mr. Adet, when you observe, that you



will not repeat what they have said. These complaints have been amply discussed in the memorial the undersigned had the honour to transmit you, bearing date 17th of January. It is believed to have been demonstrated that the stipulations complained of do not in the most remote degree wound the interests of France, affect the pre-existing engagements of the United States, or change their situation in relation to the belligerent powers. Such, incontestably, was and is the opinion of the American government, and in this opinion only would the treaty have been agreed to. As no one of the arguments which have at various times been urged on this subject, on the part of the United States, has ever yet been noticed, the undersigned deem unnecessary any attempt to re-urge or to strengthen them. You say that you will content yourself "with observing summarily, that in this treaty every thing having been provided to turn the neutrality of the United States to the disadvantage of the French Republick, and to the advantage of England; that the federal government having in this act made to Great Britain concessions the most unheard of, the most incompatible with the interests of the United States, and the most derogatory from the alliance which existed between the said states and the French Republick, the latter was perfectly free to avail itself of the preservatory means with which it was furnished by the laws of nature and of nations, and by its anterior treaty, for the purpose of parrying the inconveniences of the treaty of London. Such are the reasons which have determined the arrêtés of the directory of which the United States complain, as well as the conduct of its agents in the Antilles." But you have not shown a single provision, "which turns the neutrality of the United States to the disadvantage of the French Republick and to the advantage of England." You have not shown a single concession "incompatible with the interests of the United States," or "derogatory from their alliance with France."

It is considered as having been demonstrated, that this treaty leaves the neutrality of the United States, with respect both to France and England, precisely in its former situation, and that it contains no concessions which are either unusual, or derogatory from their alliance with this Republick. But if in forming this judgment the American

government has deceived itself, still it ought to be remembered that it has ever manifested a readiness to place France on the footing of England, with respect to the articles complained of.

You suppose that the 2d article of the treaty between France and the United States justifies the *arrêtés*, of which the latter power complains: but that article only entitles either of the contracting parties to a participation of any particular favour in respect of commerce or navigation, which might thereafter be granted by the other to other nations, on allowing the same compensation, if the concession was conditional. It has never been pretended to extend to pre-existing rights held and exercised under the law of nations, and barely recognised by any subsequent treaty. If this could be insisted on, still it was shown incontestably by the undersigned, that the *arrêté* particularly complained of, so far as it professes to found itself on the treaty with England, greatly transcends that treaty, and in its most noxious article, that requiring a *rôle d'équipage*, has no relation to it. This all essential circumstance you have not been pleased to notice; and it is with infinite regret the undersigned observe, that the discussions at which you hint are to be limited to the abuses of the principle established by the *arrêté*, and not extended to the compatibility of the principle itself, with justice, the laws of nations, or existing treaties.

It is well known that such a discussion, if indeed the undersigned could be permitted to enter upon it, would avail but little, since the vast mass of American property captured by the cruisers, and condemned by the courts of France, has been found in vessels not furnished with a *rôle d'équipage*.

The undersigned have been minute in their attention to every syllable you have uttered on this interesting subject, because it has been often considered as having given cause of just irritation to France, and they are sincerely desirous of probing to the bottom every subject which may have assumed that complexion. Their wish is unaffected, to give to every complaint its real value, in order thus to prepare the way for accommodation, by the relinquishment of such as are not well founded, and the admission of those which have a real existence.

The third head of your complaints relates to the conduct of the government of the United States since their treaty with England.

You observe, that as soon as the treaty in question had been put in execution, the government of the United States seemed to think itself dispensed from the observance of any measures towards this Republick, and you adduce in support of this general observation,

1st. The refusal to permit in the ports of the United States the sale of prizes made by French cruisers.

2dly. The invectives and calumnies against the French government, its principles and its officers, contained in certain journals and pamphlets published in the United States, &c.

3dly. The speech of the President to Congress in May last.

1st. The government of the United States does not permit the sale in their ports of prizes made upon England by the cruisers of France.

The fact is admitted. To erect it into an offence, it becomes necessary to prove that this measure violates either the engagements or the neutrality of the United States. Neither is attempted. To show that it violates neither, had this been rendered necessary, would by no means have been deemed an arduous task. It will now only briefly be observed, that the 17th article of the treaty of commerce of the 6th of February, 1778, which alone relates to this subject, so far from stipulating for the sale of prizes in the ports of either nation, limits itself to a declaration, that the captors shall have liberty to bring them into port, free from duties, arrests and searches, and to depart with them to the places expressed in their commissions, thereby evidently contemplating the then existing regulations of this nation. France has manifested her own opinion on this subject, in her treaty with Great Britain of the 26th of September, 1786. The 16th article of that treaty declares, "that it shall not be lawful for foreign cruisers who shall not be the subjects of one or the other crown, and who shall have a commission from any prince, or state, enemies of the one or the other, to arm their vessels in the ports of one or the other of the said two kingdoms, *to sell there what they shall have taken,*



*or to change the same in any manner whatever."* In a war with England then, France being neutral, the cruisers of the United States are forbidden to sell their prizes in the ports of this Republick. The 17th article of the treaty of February, 1778, being reciprocal, France has pronounced her decision, that it does not give her cruisers a right to sell their prizes in the ports of America. If this right had been given by the treaty of February, 1778, that between the United States and England could not be construed to impair it. Nor is the prohibition a departure from the neutrality of the United States. A nation to violate its neutrality must manifest a partiality for one of the belligerent powers, must accord favours not stipulated by pre-existing treaties to one, which it refuses to the other. This is not even alleged in the present instance. Far from permitting British cruisers to sell in the United States prizes they have made on the French, they are not even allowed to bring them into port. A candid consideration of this subject will prove that the withdrawal of a favour, the grant of which manifested so strongly the attachments of the United States, far from justifying the resentments which have been expressed in consequence of it, can only be attributed to the solicitude of the American government to render perfectly unexceptionable its observance of that neutrality which it professes to maintain. It has been shown unequivocally to have been the opinion of the contracting parties, that the treaty of commerce of the 6th of February, 1778, did not give to either, being at war, a right to sell its prizes in the ports of the other being at peace. It is not pretended that this is one of the rights accruing, without special stipulation, under the laws and usages of nations.

It is not then a right at all. If granted, it is a voluntary favour. But a voluntary favour essential in the prosecution of the war, if granted by a neutral to one belligerent power, and of necessity refused to the other, affords to that other at least a more plausible pretext for complaint than has been given by any other act of the government of the United States. What, in such a situation, would have been the language of France? Would this Republick permit a neutral nation, not bound thereto by any obligation whatever, to allow in its ports as a voluntary favour the



sale of prizes made on French citizens, while the same favour was of necessity denied to the cruisers of France.

It is believed that such an use of neutrality would not be permitted, and the undersigned felicitate themselves and their country that the government they represent has never intentionally given to this Republick any cause of dissatisfaction, as serious as this would have been. You will not fail to observe, citizen minister, that this heavy accusation, when analyzed, is nothing more than the refusal of a mere favour on the part of the American government, the grant of which might have been dangerous to itself, might have drawn it from that neutral station which it is its duty to observe, and which favour France had previously, in the most explicit terms, declared its determination not to grant under similar circumstances to the United States.

2dly. Your second allegation is, "that the journals known to be indirectly under the control of the cabinet have redoubled their invectives and calumnies against the Republick, its magistrates and its envoys; and that pamphlets openly paid for by the minister of Great Britain have re-produced, under every form, those insults and calumnies without having ever drawn the attention of the government to a state of things so scandalous, and which it might have repressed."

The genius of the constitution, and the opinions of the people of the United States, cannot be overruled by those who administer the government. Among those principles deemed sacred in America; among those sacred rights considered as forming the bulwark of their liberty, which the government contemplates with awful reverence, and would approach only with the most cautious circumspection, there is no one of which the importance is more deeply impressed on the publick mind than the liberty of the press. That this liberty is often carried to excess, that it has sometimes degenerated into licentiousness, is seen and lamented; but the remedy has not yet been discovered. Perhaps it is an evil inseparable from the good with which it is allied: perhaps it is a shoot which cannot be stripped from the stalk, without wounding vitally the plant from which it is torn. However desirable those measures might be which might correct without enslaving the press, they have never yet been devised in America. No

regulations exist which enable the government to suppress whatever calumnies or invectives any individual may choose to offer to the publick eye ; or to punish such calumnies and invectives, otherwise than by a legal prosecution in courts which are alike open to all who consider themselves as injured. Without doubt this abuse of a valuable privilege is matter of peculiar regret when it is extended to the government of a foreign nation. The undersigned are persuaded, it never has been so extended with the approbation of the government of the United States. Discussions respecting the conduct of foreign powers, especially on points respecting the rights and interests of America, are unavoidably made in a nation where publick measures are the results of publick opinion ; and certainly do not furnish cause of reproach ; but it is believed that calumny and invective have never been substituted for the manly reasoning of an enlightened and injured people, without giving pain to those who administer the affairs of the Union. Certainly this offence, if it be deemed by France of sufficient magnitude to be worthy of notice, has not been confined to this Republick. It has been still more profusely lavished on its enemies, and has even been bestowed with an unsparing hand on the federal government itself. Nothing can be more notorious than the calumnies and invectives, with which the wisest measures and the most virtuous characters of the United States have been pursued and traduced. It is a calamity incident to the nature of liberty, and which can produce no serious evil to France. It is a calamity occasioned neither by the direct nor indirect influence of the American government. In fact that government is believed to exercise no influence over any press. You must be sensible, citizen minister, with how much truth the same complaint might be urged on the part of the United States. You must know well, what degrading and unworthy calumnies against their government, its principles and its officers, have been published to the world by French journalists and in French pamphlets : that government has even been charged with betraying the best interests of the nation, with having put itself under the guidance of—nay more, with having sold itself to a foreign court. But these calumnies, atrocious as they are, have never constituted a subject of complaint against France. Had not other causes, infinitely more se-

rious and weighty, interrupted the harmony of the two republicks, it would still have remained unimpaired, and the mission of the undersigned would never have been rendered necessary.

3dly. You complain of the speech of the President made to Congress in May last. It denounces, you say, the executive directory, as searching to propagate anarchy and division in the United States. The constitution of the United States imposes on the President this important duty: "He shall from time to time, give to the Congress information of the state of the Union." It having been deemed proper to recall the minister from the United States to this Republick, and to replace him by a citizen, the objects of whose mission, as expressed in his letters of credence, were "to maintain that good understanding, which, from the commencement of the alliance, had subsisted between the two nations; and to efface unfavourable impressions, banish suspicions, and to restore that cordiality which was at once the evidence and pledge of a friendly union." The president of the directory addressed the recalled minister in the following terms: "In presenting to-day to the executive directory your letters of recall, you give to Europe a strange spectacle. France, rich in her liberty, surrounded with the train of her victories, strong in the esteem of her allies, will not abase herself by calculating the consequences of the condescensions of the American government to the suggestions of its ancient tyrants. The French Republick hopes, moreover, that the successors of Columbus, Raleigh, and Penn, always proud of their liberty, will never forget that they owe it to France. They will weigh in their wisdom the magnanimous good will of the French people with the crafty caresses of certain perfidious persons, who meditate to bring them back to their ancient slavery. Assure, Mr. minister, the good American people, that like them we adore liberty; that they will always have our esteem, and that they will find in the French people that republican generosity, which knows as well how to grant peace as to cause its sovereignty to be respected."

The change of a minister is an ordinary act for which no government is accountable to another, and which has not heretofore been "a strange spectacle" in France, or in any other part of Europe. It appears to be a measure not of itself calculated to draw on the government making



such change, the strictures or the resentments of the nation to which the minister is deputed. Such an effect, produced by so inadequate a cause, could not fail to command attention, while it excited surprise.

This official speech, addressed by the government of France to that of the United States, through its minister, charges that government with condescensions to the suggestions of its ancient tyrants, speaks of the crafty caresses of certain perfidious persons who meditate to bring back the successors of Columbus, Raleigh and Penn, to their ancient slavery, and desires the minister to assure, not his *government*, but the *good people* of America, that they will always have the esteem of France, and that they will find in the French people, that republican generosity which knows as well how to grant peace as to cause its sovereignty to be respected.

That a minister should carry any assurances from a foreign government to the people of his nation, is as remarkable as the difference between the manner in which his government and his people are addressed. His government are charged with condescension to the suggestions of the ancient tyrants of his country, but the people are considered as loving liberty, and they are to be assured of the perpetual esteem of France. This esteem they are to weigh against the crafty caresses of those perfidious persons who meditate to bring them back to their former slavery.

When this speech, thus addressed directly to the government and people of the United States, in the face of Europe and the world, came to be considered in connection with other measures; when it came to be considered in connection with the wide spreading devastation to which their commerce was subjected, with the cruel severities practised on their seamen, with the recall of the minister of France from the United States, and the very extraordinary manner in which that recall was signified by him both to the government and people, with the refusal even to hear the messenger of peace, deputed from the United States for the sole purpose of conciliation; it could not fail to make on the American mind a deep and serious impression. It was considered as a fact too important to be held from the Congress, by that department of the government, which is charged with the duties of maintain-



ing its intercourse with foreign nations, and of making communications to the legislature of the Union. The President, therefore, did communicate it in the following words: "With this conduct of the French government it will be proper to take into view the publick audience given to the late minister of the United States on his taking leave of the executive directory. The speech of the president discloses sentiments more alarming than the refusal of a minister, because more dangerous to our independence and union, and at the same time studiously marked with indignities towards the government of the United States. It evinces a disposition to separate the people of the United States from the government; to persuade them that they have different affections, principles and interests from those of their fellow citizens, whom they themselves have chosen to manage their common concerns; and thus to produce divisions fatal to our peace. Such attempts ought to be repelled with a decision which shall convince France and the world, that we are not a degraded people, humiliated under a colonial spirit of fear and sense of inferiority, fitted to be the miserable instruments of foreign influence, and regardless of national honour, character and interest.

"I should have been happy to have thrown a veil over these transactions, if it had been possible to conceal them; but they have passed on the great theatre of the world, in the face of all Europe and America, and with such circumstances of publicity and solemnity, that they cannot be disguised, and will not soon be forgotten; they have inflicted a wound in the American breast. It is my sincere desire, however, that it may be healed."

It is hoped that this communication will be viewed in its true light, that it will no longer be considered as a denunciation of the executive directory, but as the statement of an all-important fact by one department of the American government to another, the making of which was enjoined by duties of the highest obligation.

The undersigned have now, citizen minister, passed through the complaints you urge against the government of the United States. They have endeavoured to consider those complaints impartially, and to weigh them in the scales of justice and of truth. If any of them be well founded, France herself could not demand more readily, than America would make, reparation for the injury sus-

tained. The President of the United States has said, "If we have committed errors, and these can be demonstrated, we shall be willing to correct them; if we have done injuries, we shall be willing, on conviction, to redress them." These dispositions on the part of the government have been felt in all their force by the undersigned, and have constantly regulated their conduct.

The undersigned will not resume, citizen minister, the painful task of re-urging the multiplied injuries which have been accumulated on their country, and which have been in some degree detailed in their memorial of the 17th January last. They cannot, however, decline to remonstrate against a measure which has been announced since that date. The legislative councils of the French Republick have decreed that,

1st. The condition of ships, in every thing which concerns their character as neutrals or enemies, shall be determined by their cargo; consequently every vessel found at sea, laden in whole or in part with merchandise coming out of England, or its possessions, shall be declared good prize, whoever may be the proprietors of such commodities or merchandise.

2dly. No foreign vessel, which in the course of its voyage shall have entered into an English port, shall be admitted into any port of the French Republick, but in the case of necessity; in which case such vessel shall be obliged to depart from such port so soon as the cause of entry shall have ceased.

This decree too deeply affects the interests of the United States to remain unattended to by their ministers. They pray you, therefore, citizen minister, to receive their respectful representations concerning it.

The object of the decree, is to cut off all direct intercourse between neutrals and Great Britain or its possessions, and to prevent the acquisition, even by circuitous commerce, of those articles which come from England or its dominions.

The right of one nation to exchange with another the surplus produce of its labour, for those articles which may supply its wants or administer to its comfort, is too essential to have been ever classed among those admitted to be in any degree doubtful. It is a right in ceding which a nation would cede the privilege of regulating its own inte-

rests and providing for its own welfare. When any two nations shall choose to make war on each other, they have never been considered, nor can they be considered as thereby authorizing themselves to impair the essential rights of those who may choose to remain at peace. Consequently these rights, the free exercise of which is essential to its interests and welfare, must be retained by a neutral power, whatever nations may be involved in a war.

The right of a belligerent to restrain a neutral from assisting his enemy by supplying him with those articles which are defined as contraband, has been universally submitted to; but to cut off all intercourse between neutrals and an enemy, to declare that any single article which may have come from the possessions of an enemy, whoever may be its owner, shall of itself be sufficient to condemn both vessel and cargo, is to exercise a control over the conduct of neutrals which war can never give, and which is alike incompatible with their dignity and their welfare.

The rights of belligerents are the same. If this might be exercised by one, so might it be exercised by every other. If it might be exercised in the present, so it might be exercised in every future war. This decree is, therefore, on the part of France, the practical assertion of a principle which would destroy all direct or circuitous commerce between belligerent and neutral powers, which would often interrupt the business of a large portion of the world, and withdraw or change the employment of a very considerable portion of the human race.

This is not all. It is the exercise of a power which war is not admitted to give, and which, therefore, may be assumed in peace as well as war.

It essentially affects the internal economy of nations, and deranges that course of industry which they have a right to pursue, and on which their prosperity depends.

To acquiesce, therefore, in the existing state of things, under a principle so extensive and so pernicious, is to establish a precedent for national degradation which can never cease to apply, and which will authorize any measures which power may be disposed to practise.

France, therefore, will perceive that neutral governments, whatever may be their dispositions towards this Republick, are impelled by duties of the highest obliga-



tion, to remonstrate against a decree, which at the same time invades their interests and their independence, which takes from them the profits of an honest and lawful industry, as well as the inestimable privilege of conducting their own affairs as their own judgments may direct.

It is hoped that the remonstrances of the United States on this subject will derive additional force from their subsisting engagements with France, and from a situation peculiar to themselves.

The twenty-third article of the treaty of amity and commerce of the 6th of February, 1778, is in these words: "It shall be lawful for all and singular the subjects of the most christian king, and the citizens, people and inhabitants of the said United States, to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandises laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with the most christian king or the United States. It shall likewise be lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandises afore-mentioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy before mentioned to neutral places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince, or under several. And it is heréby stipulated, that free ships shall also give a freedom to goods, and that every thing shall be deemed to be free and exempt which shall be found on board the ships belonging to the subjects of either of the confederates, although the whole lading, or any part thereof, should appertain to the enemies of either; contraband goods being always excepted. It is also agreed, in like manner, that the same liberty be extended to persons who are on board a free ship, with this effect, that although they be enemies to both or either party, they are not to be taken out of that free ship, unless they are soldiers, and in actual service of the enemy."

The two nations contemplating and providing for the case when one may be at war, and the other at peace, solemnly stipulate and pledge themselves to each other, that in such an event the subjects or citizens of the party:



at peace may freely trade with the enemy of the other, may freely sail with their ships in all manner of security, to and from any port or place belonging to such enemy. Not only goods coming from the hostile territory, but the very goods of the enemy himself may be carried with safety in the vessels of either of the contracting parties.

You will perceive, citizen minister, without requiring the undersigned to execute the painful task of drawing the contrast, how openly and entirely the decree of the councils opposes itself to the treaty between France and the United States.

In addition to the hitherto unceded rights of a sovereign and independent nation, in addition to the right stipulated by compact, the undersigned will respectfully submit other considerations growing out of the peculiar situation of the United States, manifesting the particular hardships the decree complained of must impose on them.

In possession of a rich, extensive and unsettled country, the labour of the United States is not yet sufficient for the full cultivation of its soil, and consequently but a very small portion of it can have been applied to manufactures. Articles of the first necessity and comfort are imported in exchange for provisions and for the raw materials which are the growth of the country, and which its inhabitants are accustomed to raise.

It is at any time extremely difficult, nor is it practicable without great loss, to change suddenly the habits of a whole people, and that course of industry in which their population and their real interests have engaged them. An agricultural cannot suddenly, and at will, become a manufacturing people; the United States cannot instantaneously, on the mere passing of a decree, transfer, to the manufacture of articles heretofore imported, such a portion of their labour as will at the same time furnish a market for the surplus commodities, and a supply for the wants of the cultivator of the soil. It is, therefore, scarcely possible for them to surrender their foreign commerce.

Independent of the right they possess in common with others to search for and choose the best markets, it is believed that the supplies they need could with difficulty, in the actual state of the world, be completely furnished, without the aid of England and its possessions. It is not pretended that France manufactures at present, for foreign

consumption, nor do the undersigned suppose that there exists a market where the citizens of the United States can obtain in exchange the articles they need and are accustomed to consume, if those coming out of England and its possessions be entirely excluded. A variety of other considerations, and especially the difficulties individuals must encounter in suddenly breaking old and forming new connections, in forcing all their commerce into channels not yet well explored, in trading without a sufficient capital to countries where they have no credit, combine to render almost impossible an immediate dissolution of commercial intercourse between the United States and Great Britain.

If then the decree complained of shall be executed on American vessels, it can only increase grievances already but too considerable, and transfer the carriage of English manufactures, for American consumption, from their own to British bottoms, sailing under the protection of a convoy. Instead of wounding England, it will probably aggrandize its marine, by sacrificing the remnant of that of the United States, and by destroying that system of policy by which they have heretofore sought to give their own vessels that portion of their own carrying trade, which would otherwise be enjoyed by British merchants.

You have made some general animadversions on the government of the United States, which the undersigned feel themselves bound briefly to notice.

You have charged that government with giving instructions not in the sincere intention of arriving at pacifick results, and yet the undersigned have offered to change those clauses in the treaty of 1778, which have become inconvenient to France, and to repair any injuries which may have been committed.

You have charged that government with omitting nothing to prolong and augment the misunderstanding between the two republicks; but does not the fact, that the undersigned are now in Paris, furnish persuasive evidence to the contrary?

You have charged it with searching to justify, by deceitful appearances, the prejudices with which it surrounds at pleasure the name of the Republick, and the system of exasperation and separation pursued in this respect with the strangest obstinacy. But has not this Republick, in

terms the most cordial, been again and again entreated to enter into a candid investigation of the mutual complaints of the two nations ? Have not these entreaties been unnoticed, whilst the ministers deputed to make them have remained unaccredited ?

You have charged it with wishing to seize the first favourable occasion for consummating an intimate union with a power, towards which a devotion and a partiality are professed which have long constituted the principle of the conduct of the federal government ; but whilst no devotion or partiality has been expressed for any nation except France, have not the United States made, and are they not still making the most extraordinary efforts to restore the broken relations between the two republicks ?

In a letter discussing the important interests of two great nations, the undersigned are unwilling to introduce what relates personally to themselves.

This unwished for task has been rendered a duty, by ascribing to them opinions and relations which exist in imagination only, and by adducing those supposed opinions and relations as proofs of an indisposition, on the part of the government which has deputed them, towards that accommodation which has been sought so unremittingly through all those difficulties and impediments with which the pursuit has been embarrassed.

You are pleased to add, that these intentions are so little disguised “ that nothing seems to have been neglected at Philadelphia, to manifest them to every eye. It is probably with this view that it has been judged proper to send to the French Republick, persons whose opinions and relations are too well known to hope from them dispositions sincerely conciliatory.”

The opinions and relations of the undersigned are purely American, unmixed with any particle of foreign tint. If they possess a quality on which they pride themselves, it is an attachment to the happiness and welfare of their country ; if they could at will select the means of manifesting that attachment, it would be by effecting a sincere and real accommodation between France and the United States, on principles promoting the interests of both, and consistent with the independence of the latter.

It requires no assurance to convince, that every real American must wish sincerely to extricate his country from



the ills it suffers, and from the greater ills with which it is threatened ; but all who love liberty, must admit that it does not exist in a nation which cannot exercise the right of maintaining its neutrality. If “ opinions and relations,” such as these, are incompatible with “ dispositions sincerely conciliatory,” then indeed has the federal government chosen unfit instruments for the expression of its pacifick disposition.

You contrast the conduct observed by the United States, under analogous circumstances, towards the cabinet of St. James, with that which is observed towards this Republick. You say, that on that occasion, there was a solicitude to send to London, ministers well known to possess sentiments conformable to the objects of their mission ; that the Republick has a right to count upon a similar deference ; and that if a like attention has not been observed with respect to it, it is too probable that it must be attributed to the views already indicated.

If, unfortunately, the cases shall exhibit a contrast, it is not to be found in the characters the United States have thought proper to employ, or in the conduct of their government, otherwise than by the superior attention manifested towards this Republick, and never shown to any other nation, in deputing to it, with ample powers, three envoys extraordinary and ministers plenipotentiary from the three great divisions of the United States. The ministers sent to the cabinet of St. James greatly deserved the confidence of their country ; but they did not possess sentiments more conformable to the objects of their mission than those deputed to this Republick. They did not wish more ardently to effect reconciliation ; nor is it believed that any persons who could have been deputed to that cabinet, would have submitted to greater sacrifices in order to obtain it. Had their application for compensation for past injuries, and security against their future commission, been only met by requisitions, a compliance with which would involve their nation in ills of which war perhaps might not be the most considerable ; had all attempts to remove unfavourable impressions failed, and all offers to make explanations been rejected ; can it be believed, that other ministers (the first having been ordered out of the nation) would have waited six months unaccredited, soliciting permission to display the upright princi-



ples on which their government had acted, and the amicable sentiments by which it was animated?

The undersigned are induced, citizen minister, to pray your attention to these plain truths, from a conviction that they manifest unequivocally the friendly temper of the federal government, and the extreme reluctance with which the hope of an accommodation with France would be relinquished.

The undersigned observe, with infinite regret, that the disposition manifested to treat with the minister who might be selected by this government, is not accompanied with any assurances of receding from those demands of money, heretofore made the considerations on which alone a cessation of hostility on American commerce could be obtained, to which the undersigned have not the power to accede, with which the United States would find it extremely difficult to comply, and a compliance with which would violate that faith pledged for the observance of neutrality, and would involve them in a disastrous war with which they have no concern. Nor do you answer to the applications, which have been made for compensation to the citizens of the United States for property which shall be proved to have been taken contrary to the law of nations and existing treaties, otherwise than that you are willing to discuss cases where there has been a departure from certain principles, which principles, in fact, involve almost every case.

You have signified, citizen minister, that the executive directory is disposed to treat with one of the envoys, and you hope that this overture will not be attended, on the part of the undersigned, with any serious difficulty. Every proposition of the executive directory is considered with the most minute and respectful attention.

The result of a deliberation on this point is, that no one of the undersigned is authorized to take upon himself a negotiation evidently intrusted by the tenour of their powers and instructions to the whole: nor are there any two of them who can propose to withdraw themselves from the task committed to them by their government, while there remains a possibility of performing it.

It is hoped that the prejudices, said to have been conceived against the ministers of the United States, will be dissipated by the truths they have stated.

If in this hope they shall be disappointed, and it should be the will of the directory to order passports for the whole or any number of them, you will please to accompany such passports with letters of safe conduct, which will entirely protect from the cruisers of France, the vessels in which they may respectively sail, and give to their persons, suite and property, that perfect security to which the laws and usages of nations entitle them.

They pray you, citizen minister, to receive the renewal of their assurances of profound respect and consideration.

CHARLES C. PINCKNEY,  
JOHN MARSHALL,  
E. GERRY.

A true copy.

HENRY M. RUTLEDGE, Secretary.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JUNE 21, 1798.

WHILE I congratulate you, on the arrival of general Marshall, one of our late envoys extraordinary, to the French Republick, at a place of safety, where he is justly held in honour, I think it my duty to communicate to you, a letter received by him, from Mr. Gerry, the only one of the three, who has not received his congé: this letter, together with another, from the minister of foreign relations to him, of the third of April, and his answer of the fourth, will show the situation in which he remains, his intentions and prospects.

I presume, that before this time, he has received fresh instructions (a copy of which accompanies this message) to consent to no loans, and therefore the negotiation may be considered at an end.

I will never send another minister to France, without assurances, that he will be received, respected and honoured, as the representative of a great, free, powerful, and independent nation.

JOHN ADAMS.

*Paris, April 16, 1798.*

MY DEAR SIR,—This I expect you will receive by my colleague general Marshall, who carries with him the last letter of Mr. Talleyrand to the American envoys, and their answer. On the day when we sent the answer, I received a letter from the minister, a copy of which and my answer is enclosed. I have not sent these to the Secretary of State, because I have not time to prepare a letter to accompany them. Indeed I expected my passport with my colleagues; but am informed the directory will not consent to my leaving France: and to bring on an immediate rupture, by adopting this measure contrary to their wishes, would be in my mind unwarrantable. The object of Mr. Talleyrand, you will perceive, was to *resume* our reciprocal communications, and again to discuss the subject of a loan. I thought it best in my answer not merely to object to this, but to every measure that could have a tendency to draw me into a negotiation. I accepted of this mission, my dear sir, to support your administration, and have brought myself into a predicament,\* which you must assist me to extricate myself from, by appointing some others to supply the places of myself and colleagues, if a further progress in this business should be found practicable. I have only a moment to add my best respects to your lady, and my assurances of the most sincere and respectful attachment, my dear sir, of yours sincerely,

E. GERRY.

The President of the United States.

#### TRANSLATION.

*The Minister of Foreign Relations to Mr. Gerry, Envoy Extraordinary of the United States of America, to the French Republic. Paris, the 14 Germinal, 6th year of the French Republic, one and indivisible [3d April, 1798.]*

I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the

\* I allude to my painful residence here as a political cipher.

intimations given in the end of my note of the 28th Ventose last, and the obstacle which their known opinions have interposed to the desired reconciliation, to quit the territory of the Republick. On this supposition I have the honour to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republick and the United States of America.

Receive, I pray you, the assurances of my perfect consideration.

CH. MAU. TALLEYRAND.

*Paris, 4th April, 1798, (Germinal 15, an 6.)*

I HAD the honour, citizen minister, of receiving your letter of the 14th Germinal (the 3d inst.) and Mr. Deutrement who delivered it, informed me, that it was intended to be shown to general Pinckney and general Marshall.

Whilst my colleagues and myself, to whom the government of the United States have intrusted the affairs of the embassy, had a joint agency therein, I have carefully imparted to them all the propositions which you have requested, and the relative conferences; and to yourself our decisions thereon; regretting at the same time the unfortunate and embarrassing circumstances which imposed on me this disagreeable task. But as by the tenour of your letter it is now expected, that they will quit the territory of the French Republick, it will be impossible for me to be the medium of, or to take any measures which will be painful to my colleagues, or not to afford them all the assistance in my power; and it would be moreover inconsistent with the line of conduct which you well know, citizen minister; I have uniformly observed for removing the unfavourable impressions which existed on the part of this government against them: indeed in our last letter there is a conditional application for passports, which, as it appears to me, supersedes the necessity of a hint to them, on this subject; and general Marshall is waiting impatiently for an answer to that part of it which respects a letter of safe-conduct for the vessel, in which he and his suite may take passage for the United States, to determine whether he shall embark from France or Great Britain; but the unfortunate situation of general Pinckney,



with respect to the critical state of his daughter's health, renders it utterly impossible for him to depart under existing circumstances.

You have proposed, citizen minister, the 5th or 7th of this decade for me to resume (*reprendre*) our reciprocal communications upon the interests of the French Republic and of the United States. The reciprocal communications, which we have had, were such only as I have alluded to in the beginning of this letter, unless your proposition accompanied with an injunction of secrecy, for me to treat separately, is considered in this light. To resume this subject will be unavailing, because the measure, for the reasons which I then urged, is utterly impracticable. I can only then confer informally and uncredited on any subject respecting our mission, and communicate to the government of the United States the result of such conferences, being in my individual capacity unauthorized to give them an official stamp. Nevertheless every measure in my power, and in conformity with the duty I owe my country, shall be zealously pursued, to restore harmony and a cordial friendship between the two republics. I had the honour of calling on you last evening for the purpose of making this communication verbally, but as you were absent, to prevent misconceptions I have thought it best to reduce it to writing.

Accept I pray you, citizen minister, the assurances of my perfect esteem and respect.

To the Minister of Foreign Affairs }  
of the French Republic. }

*To Charles Cotesworth Pinckney, John Marshall and Elbridge Gerry, Esquires, Envoys Extraordinary and Ministers Plenipotentiary from the United States of America to the French Republic.*

GENTLEMEN,—On the 4th instant came to hand your first despatches since you arrived at Paris; these were your numbers 1, 4, and 5; and on the 6th instant your numbers 2 and 3 were received. On the 5th, your number 5, dated the 8th of January, and a translation of the message of January 4th from the directory to the council of five hundred, were laid before Congress. In this let-

ter you “repeat, that there exists no hope of your being officially received by that government, or that the objects of your mission will be in any way accomplished.” This opinion is sanctioned by the whole tenour of your communications; and we trust that soon after the date of your number 5, you closed your mission by demanding passports to leave the territories of the French Republick.

An official copy of your letters of credence having been delivered to the minister for foreign affairs, and by him laid before the directory, they were sufficiently informed of the great objects of your mission; and considering that you were an extraordinary delegation from an independent nation, you had a right to expect a prompt and respectful reception. The fair and honourable views of the American government, which dictated your appointment and your powers, entitled you to expect the early appointment of a commission by the French government, with equal powers, to negotiate on all the matters in controversy between them. Had the French government been influenced by similar views, the objects of your mission would long since have been accomplished, to the advantage and peace of both nations. But instead of coming forward on such equal and proper ground, they have treated you, and through you your country, with extreme neglect.

Under these circumstances, the President presumes that you have long since quitted Paris and the French dominions; yet, actuated as you were with an ardent desire to preserve peace, which you knew would be so grateful to your country; and having for this object manifested unexampled patience, and submitted to a series of mortifications; as you also proposed to make one more direct attempt, subsequent to the date of your last letter, to draw the French government to an open negotiation; there is a bare possibility that this last effort may have succeeded:—The President therefore thinks it proper to direct—

1. That if you are in treaty, with persons duly authorized by the directory, on the subjects of your mission, then you are to remain and expedite the completion of the treaty, if it should not have been concluded. Before this letter gets to hand, you will have ascertained whether the

negotiation is or is not conducted with candour on the part of the French government: and if you shall have discovered a clear design to procrastinate, you are to break off the negotiation, demand your passports, and return. For you will consider that *suspense* is ruinous to the essential interests of your country.

2. That if on the receipt of this letter, you shall not have been received, or, whether received or not, if you shall not be in treaty with persons duly authorized by the directory, with full and equal powers, you are to demand your passports and return.

3. In no event is a treaty to be purchased with money, by loan or otherwise. There can be no safety in a treaty so obtained. A loan to the Republick would violate our neutrality: and a *douceur* to the men now in power, might by their successors be urged as a reason for annulling the treaty, or as a precedent for further and repeated demands.

It is proper to apprise you, that a motion has been made in the Senate, and will doubtless be repeated in the House of Representatives, to desire the President to lay before them your communications; and he will probably be under the necessity of doing it: only withholding the two names which you promised should in no event be made publick.

I have the honour to be, &c.

TIMOTHY PICKERING.

Department of State, Philadelphia, }  
March 23, 1798. }

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE TO  
GENERAL WASHINGTON. JULY 17, 1798.

[See Vol. Confidential Documents.]

## SPEECH

OF THE PRESIDENT OF THE UNITED STATES TO BOTH  
HOUSES OF CONGRESS. DEC. 8, 1798.

Gentlemen of the Senate, and

Gentlemen of the House of Representatives,

WHILE with reverence and resignation, we contemplate the dispensations of Divine Providence in the alarming and destructive pestilence with which several of our cities and towns have been visited, there is cause for gratitude and mutual congratulations, that the malady has disappeared, and that we are again permitted to assemble in safety, at the seat of government, for the discharge of our important duties. But when we reflect that this fatal disorder has, within a few years, made repeated ravages in some of our principal sea-ports, and with increased malignancy; and when we consider the magnitude of the evils, arising from the interruption of publick and private business, whereby the national interests are deeply affected; I think it my duty to invite the legislature of the Union to examine the expediency of establishing suitable regulations in aid of the health laws of the respective states; for these being formed on the idea that contagious sickness may be communicated through the channels of commerce, there seems to be a necessity, that Congress, who alone can regulate trade, should frame a system, which, while it may tend to preserve the general health, may be compatible with the interests of commerce, and the safety of the revenue.

While we think on this calamity, and sympathize with the immediate sufferers, we have abundant reason to present to the Supreme Being, our annual oblations of gratitude, for a liberal participation in the ordinary blessings of his providence. To the usual subjects of gratitude, I cannot omit to add one of the first importance to our well being and safety: I mean that spirit which has arisen in our country against the menaces and aggression of a foreign nation. A manly sense of national honour, dignity and independence, has appeared, which if encouraged and invigorated by every branch of the government, will ena-



ble us to view undismayed the enterprises of any foreign power, and become the sure foundation of national prosperity and glory.

The course of the transactions in relation to the United States and France which have come to my knowledge during your recess, will be made the subject of a future communication. That communication will confirm the ultimate failure of the measures which have been taken by the government of the United States towards an amicable adjustment of differences with that power. You will at the same time perceive, that the French government appears solicitous to impress the opinion, that it is averse to a rupture with this country, and that it has, in a qualified manner, declared itself willing to receive a minister from the United States, for the purpose of restoring a good understanding. It is unfortunate for professions of this kind, that they should be expressed in terms which may countenance the inadmissible pretension of a right to prescribe the qualifications which a minister from the United States should possess, and that, while France is asserting the existence of a disposition on her part to conciliate with sincerity the differences which have arisen, the sincerity of a like disposition on the part of the United States, of which so many demonstrative proofs have been given, should even be indirectly questioned. It is also worthy of observation, that the decree of the directory, alleged to be intended to restrain the depredations of French cruisers on our commerce, has not given, and cannot give any relief; it enjoins them to conform to all the laws of France relative to cruising and prizes; while these laws are themselves the sources of the depredations of which we have so long, so justly, and so fruitlessly complained.

The law of France, enacted in January last, which subjects to capture and condemnation neutral vessels and their cargoes, if any portion of the latter are of British fabrick or produce, although the entire property belong to neutrals, instead of being rescinded, has lately received a confirmation, by the failure of a proposition for its repeal. While this law, which is an unequivocal act of war on the commerce of the nations it attacks, continues in force, those nations can see in the French government only a power regardless of their essential rights, of their independence and sovereignty: and if they possess the means.

they can reconcile nothing with their interest and honour, but a firm resistance.

Hitherto, therefore, nothing is discoverable in the conduct of France, which ought to change or relax our measures of defence; on the contrary, to extend and invigorate them, is our true policy. We have no reason to regret that these measures have been thus far adopted and pursued: and in proportion as we enlarge our view of the portentous and incalculable situation of Europe, we shall discover new and cogent motives for the full development of our energies and resources.

But, in demonstrating by our conduct that we do not fear war, in the necessary protection of our rights and honour, we shall give no room to infer that we abandon the desire of peace. An efficient preparation for war can alone ensure peace. It is peace that we have uniformly and perseveringly cultivated; and harmony between us and France may be restored at her option. But to send another minister, without more determinate assurances that he would be received, would be an act of humiliation to which the United States ought not to submit. It must, therefore, be left with France, if she is indeed desirous of accommodation, to take the requisite steps. The United States will steadily observe the maxims by which they have hitherto been governed. They will respect the sacred rights of embassy. And with a sincere disposition on the part of France to desist from hostility, to make reparation for the injuries heretofore inflicted on our commerce, and to do justice in future, there will be no obstacle to the restoration of a friendly intercourse. In making to you this declaration, I give a pledge to France, and to the world, that the Executive authority of this country still adheres to the humane and pacifick policy, which has invariably governed its proceedings, in conformity with the wishes of the other branches of the government, and of the people of the United States. But considering the late manifestations of her policy towards foreign nations, I deem it a duty deliberately and solemnly to declare my opinion, that whether we negotiate with her or not, vigorous preparations for war, will be alike indispensable. These alone will give to us an equal treaty, and ensure its observance.

Among the measures of preparation which appear expedient, I take the liberty to recall your attention to the naval establishment. The beneficial effects of the small naval armament provided under the acts of the last session, are known and acknowledged. Perhaps no country ever experienced more sudden and remarkable advantages from any measure of policy, than we have derived from the arming for our maritime protection and defence. We ought, without loss of time, to lay the foundation for an increase of our navy to a size sufficient to guard our coast and protect our trade. Such a naval force, as it is doubtless in the power of the United States to create and maintain, would also afford to them the best means of general defence, by facilitating the safe transportation of troops and stores to every part of our extensive coast. To accomplish this important object, a prudent foresight requires that systematical measures be adopted for procuring, at all times, the requisite timber and other supplies. In what manner this shall be done, I leave to your consideration.

I will now advert, gentlemen, to some matters of less moment, but proper to be communicated to the national legislature.

After the Spanish garrisons had evacuated the posts they occupied at the Natchez and Walnut-hills, the commissioner of the United States commenced his observations to ascertain the point near the Mississippi, which terminated the northernmost part of the thirty-first degree of north latitude. From thence he proceeded to run the boundary line between the United States and Spain. He was afterwards joined by the Spanish commissioner, when the work of the former was confirmed; and they proceeded together to the demarcation of the line. Recent information renders it probable that the southern Indians, either instigated to oppose the demarcation, or jealous of the consequences of suffering white people to run a line over lands to which the Indian title had not been extinguished, have, ere this time, stopped the progress of the commissioners. And considering the mischiefs which may result from continuing the demarcation, in opposition to the will of the Indian tribes, the great expense attending it, and that the boundaries which the commissioners have actually established, probably extend at least as far as the Indian title has been extinguished, it will perhaps become expedient

and necessary to suspend further proceedings, by recalling our commissioner.

The commissioners appointed in pursuance of the fifth article of the treaty of amity, commerce and navigation, between the United States and his Britannick majesty, to determine what river was truly intended under the name of the river St. Croix, mentioned in the treaty of peace, and forming a part of the boundary therein described, have finally decided that question. On the 25th of October, they made their declaration, that a river called Scoodiac, which falls into Passamaquoddy Bay, at its north-western quarter, was the true St. Croix intended in the treaty peace, as far as its great fork, where one of its streams comes from the westward, and the other from the northward; and that the latter stream is the continuation of the St. Croix to its source. This decision, it is understood, will preclude all contention among individual claimants, as it seems that the Scoodiac and its northern branch, bound the grants of lands which have been made by the respective adjoining governments. A subordinate question, however, it has been suggested, still remains to be determined. Between the mouth of the St. Croix, as now settled, and what is usually called the Bay of Fundy, lie a number of valuable islands. The commissioners have not continued the boundary line through any channel of these islands; and unless the Bay of Passamaquoddy be a part of the Bay of Fundy, this further adjustment of boundary will be necessary. But it is apprehended that this will not be a matter of any difficulty.

Such progress has been made in the examination and decision of cases of captures and condemnations of American vessels, which were the subject of the seventh article of the treaty of amity, commerce and navigation, between the United States and Great Britain, that it is supposed the commissioners will be able to bring their business to a conclusion in August of the ensuing year.

The commissioners acting under the twenty-first article of the treaty, between the United States and Spain, have adjusted most of the claims of our citizens for losses sustained in consequence of their vessels and cargoes having been taken by the subjects of his catholic majesty, during the late war between France and Spain.



Various circumstances have concurred to delay the execution of the law for augmenting the military establishment. Among these, the desire of obtaining the fullest information to direct the best selection of officers. As this object will now be speedily accomplished, it is expected that the raising and organizing of the troops will proceed without obstacle, and with effect.

*Gentlemen of the House of Representatives*,—I have directed an estimate of the appropriations which will be necessary for the service of the ensuing year to be laid before you, accompanied with a view of the publick receipts and expenditures to a recent period. It will afford you satisfaction to infer the great extent and solidity of the publick resources, from the prosperous state of the finances, notwithstanding the unexampled embarrassments which have attended commerce. When you reflect on the conspicuous examples of patriotism and liberality which have been exhibited by our mercantile fellow citizens, and how great a proportion of the publick resources depends on their enterprise, you will naturally consider, whether their convenience cannot be promoted and reconciled with the security of the revenue, by a revision of the system, by which the collection is at present regulated.

During your recess, measures have been steadily pursued for effecting the valuations and returns directed by the act of the last session, preliminary to the assessment and collection of a direct tax. No other delays or obstacles have been experienced, except such as were expected to arise from the great extent of our country and the magnitude and novelty of the operation, and enough has been accomplished to assure a fulfilment of the views of the legislature.

*Gentlemen of the Senate, and Gentlemen of the House of Representatives*,—I cannot close this address, without once more adverting to our political situation, and inculcating the essential importance of uniting in the maintenance of our dearest interests; and I trust, that by the temper and wisdom of your proceedings, and by a harmony of measures, we shall secure to our country that weight and respect to which it is so justly entitled.

JOHN ADAMS.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. JANUARY 8, 1799.

IN compliance with your desire, expressed in your resolution of the 2d of this month, I lay before you an extract of a letter from George C. Morton, acting consul of the United States at the Havanna, dated the 18th of November, 1798, to the Secretary of State, with a copy of a letter from him to L. Trezevant and William Timmons, esquires, with their answer. Although your request extends no further than such information as has been received, yet it may be a satisfaction to you to know, that as soon as this intelligence was communicated to me, circular orders were given by my direction to all the commanders of our vessels of war, a copy of which is also herewith transmitted. I also directed this intelligence and these orders to be communicated to his Britannick majesty's envoy extraordinary and minister plenipotentiary to the United States, and to our minister plenipotentiary to the court of Great Britain, with instructions to him to make the proper representation to that government upon this subject.

It is but justice to say, that this is the first instance of misbehaviour of any of the British officers towards our vessels of war, that has come to my knowledge. According to all the representations that I have seen, the flag of the United States, and their officers and men, have been treated by the civil and military authority of the British nation, in Nova Scotia, the West India islands, and on the ocean, with uniform civility, politeness and friendship. I have no doubt that this first instance of misconduct will be readily corrected.

JOHN ADAMS.

*Extract of a Letter from George C. Morton, acting Consul of the United States at the Havanna, dated there the 18th of Nov. 1798, to the Secretary of State.*

“ By the delegation of Daniel Hawley, Esq. I am at present acting as consul of the United States in this dis-

strict, with which he will most probably have acquainted you. It imposes upon me the mortifying task of informing you, sir, of the partial capture of an American fleet, under the convoy of the Baltimore sloop of war, ——— Phillips, Esq. commander, by a British squadron, off this harbour, accompanied with circumstances rather grating to the feelings of Americans, and by no means analogous to that good harmony which seems to subsist between the two governments.

“The answer of Messrs. Trezevant and Timmons to my annexed note of the 17th instant, requesting an exact relation of the occurrence, will, I presume, be deemed as impartial a narration as can be given, of the whole transaction, they having been passengers on board one of the captured vessels, and removed to the Baltimore.”

Mr. Morton adds, that commodore Loring ordered the 55 men out of the Baltimore, “on board of his ship, previous to any proposal of exchanging the natives of one nation for those of the other; and retained five of the hands as being British subjects, without giving an equal number of Americans, whom he *acknowledged* to have on board.”

*Mr. Morton to L. Trezevant, and W. Timmons, Esquires.  
Havanna, Nov. 17, 1798.*

GENTLEMEN,—As acting American consul for this city and district, and of course obliged to forward the most correct statement possible to the government of the United States, officially, I would beg the favour of you, gentlemen, to furnish me with an exact relation, under your signatures, of the unpleasant occurrence which took place off the Moro Castle on the 16th instant, by which you will much oblige, gentlemen, your most obedient servant,

GEO. C. MORTON.

N. B. It would be proper to premise, that you were passengers, and your distance from the Moro Castle at the time of capture. G. C. M.

*Havanna, November 18, 1798.*

SIR,—Agreeably to your request, we now commit to writing the best account we are able to give you, of the conduct of captain Loring, commodore of the British squadron, which was lately off the Moro, towards the United States ship the Baltimore. We must observe, however, that all we can say of it is from the information of captain Phillips, as we were not on board of the Baltimore when she was visited by capt. Loring's officers.

In the morning of the 16th instant we discovered this squadron when we were in sight of the Moro, and afterwards found it was composed of captain Loring's ship the Carnatick of 74 guns; captain ——'s ship the Thunderer, of the same force; captain Dobson's ship the Queen, of 98 guns; captain Donolly's frigate the Maidstone, 32 guns, and captain Hardy's frigate the Greyhound, of the same force. We were passengers in the brig Norfolk, captain Butler, which together with the ship Eliza, captain Baas, and the brig Friendship, captain Fuller, were cut off from their entrance into port, and were all made prizes within gunshot of the Moro. We obtained leave to go on board the Baltimore with our baggage, and did so. When captain Phillips discovered that they were English ships, which was before we were taken, he stood towards them, and spoke the commodore. After we got on board the Baltimore, the captain informed us, that he had been on board the Carnatick, and the commodore had told him that he should take out of the Baltimore all such men as had not American protections; that he had remonstrated with him against showing such an indignity to our flag; that to do so would leave his ship in a very defenceless state, and would deprive him of nearly all his men, as not even those who were really Americans, or at least very few of them, could show protections, because it was always thought that our flag on board of a government ship was a sufficient protection. All this, however, was urged in vain. Captain Phillips returned to his ship, and the commodore sent an officer on board the Baltimore, who carried away 55 of her men to the Carnatick. Captain Phillips remained in expectation that nearly all the rest would be taken from him; but whether the commodore,



upon reflection thought better of it, or whatever else might have been his motive, he sent back 50, and kept 5, among whom was the ship's boatswain.

Captain Loring proposed to give up a number of American seamen, who, he said, were in his fleet, if captain Phillips would give him English subjects for them. Captain Phillips refused this offer, and the American seamen were not delivered to him. Before any of the men were returned, he sent a message to captain Phillips to let him know if he, or one of his officers, would go on board of him, and point out who were Americans and who were not, he would return all the Americans; but this was declined also. After we got on board of the Baltimore, he sent a letter to captain Phillips, which he showed to us, in which the commodore "*demand*ed" that he would give up all the British subjects on board the Baltimore. To this captain Phillips replied that he could not know any of his men as British subjects, nor could he, as commander of a ship in the service of the United States, voluntarily give up any of his men; but if he thought fit to send an officer on board, with orders to take any number of his men, he should not oppose it. In this answer, captain Phillips mentioned he should lay before the Executive of the United States a full account of the occurrences of the day. Shortly after sending this reply, the squadron set sail and left the Baltimore. Commodore Loring was very polite to us, and was so to captain Phillips when he went on board; but captain Phillips complained of indecent behaviour from the inferior officers.

LEWIS TREZEVANT.

WM. TIMMONS.

G. C. Morton, Esq. V. Consul of U. S. at Havanna.

CIRCULAR.

*To the Commanders of Armed Vessels in the Service of the United States, given at the Navy Department, December 29, 1798.*

SIR,—It is the positive command of the President, that on no pretence whatever, you permit the publick vessel of war under your command to be detained, or searched, nor any of the officers or men belonging to her, to be taken

from her, by the ships or vessels of any foreign nation, so long as you are in a capacity to repel such outrage on the honour of the American flag. If force should be exerted to compel your submission, you are to resist that force to the utmost of your power, and when overpowered by superior force, you are to strike your flag, and thus yield your vessel as well as your men; but never your men without your vessel.

You will remember, however, that your demeanour be respectful and friendly to the vessels and people of all nations in amity with the United States; and that you avoid as carefully the commission of, as the submission to, insult or injury.

I have the honour to be, &c.

BEN. STODDERT.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JAN. 18, 1799.

THE communication relative to our affairs with France, alluded to in my address to both houses, at the opening of the session, is contained in the sheets which accompany this. A report of the Secretary of State, containing some observations on them, will be sent to Congress on Monday.

JOHN ADAMS.

*Letter from the Secretary of State to Mr. Gerry, dated June 25, 1798.*

SIR,—By the instructions dated the 23d of March, which, agreeably to the President's directions, I addressed to generals Pinckney and Marshall and yourself, and of which six sets were transmitted, one by a despatch boat sent on purpose, and some of which doubtless reached you during the last month, you will have seen that it was expected that all of you would have left France long before those instructions could arrive, and which were transmitted rather from abundant caution than necessity,

seeing no probability or hope existed that you would accomplish the object of your mission. The respect due to yourselves and to your country irresistibly required that you should turn your backs to a government that treated both with contempt ; a contempt not diminished, but aggravated by the flattering but insidious distinction in your favour, in disparagement of men of such respectable talents, untainted honour and pure patriotism, as generals Pinckney and Marshall, and in whom their government and their country reposed entire confidence ; and especially when the real object of that distinction was to enable the French government, trampling on the authority and dignity of our own, to designate an envoy with whom they would condescend to negotiate. It is therefore to be regretted that you did not concur with your colleagues in demanding passports to quit the territories of the French Republick, some time before they left Paris.

General Marshall has arrived and delivered to the President your letter of April 16th, with its enclosures ; all which were, on the 21st instant, laid before Congress, accompanied by a message in which the President declares the negotiation at an end, and that " he will never send another minister to France without assurances that he will be received, respected and honoured, as the representative of a great, free, powerful and independent nation."

It is presumed, that you will consider the instructions of the 23d of March, before mentioned, as an effectual recall ; lest however, by any possibility, those instructions should not have reached you, and you should still be in France, I am directed by the President to transmit to you this letter, and to inform you, that you are to consider it as a positive letter of recall.

I am respectfully, sir, &c.

TIMOTHY PICKERING.

MR. GERRY'S COMMUNICATIONS.

*Nantasket Road, October 1, 1793.*

SIR,—I have the honour to inform you of my arrival here this morning, in the brigantine Sophia, captain Geddes, from Havre, but last from Portsmouth in Great Britain ; and to enclose copies of my letters to yourself of the

12th and 13th of May last, No. 1 and 2 ; of the correspondence between Mr. Talleyrand, the French minister of foreign affairs and myself, numbered according to the respective dates from 3 to 28 inclusively ; of an arrêté enclosed in his last letter, No. 29 ; of my letter to Mr. Hautval and his answer, No. 30 and 31 ; of my letter to Mr. King, our minister at London, and an extract to doctor Taswell, the bearer thereof, No. 32 and 33 ; also the substance of a conference with the Dutch minister, a day or two before I left Paris, No. 34 ; and an anonymous publication, " on the President's communication " of our despatches, said to have issued from the French office of foreign affairs, No. 35.

When I left the United States in August, 1797, the citizens in general appeared to be earnestly desirous of a reconciliation with France, on terms consistent with the honour, interest, and welfare of the two republicks ; these, being free from claims and controversies in regard to territory, boundaries, and many matters which embroil states ; and from competitions relative to their productions, manufactures, and commerce, had a mutual and manifest interest in the renewal of their commercial and friendly intercourse with each other. Nature seemed to have entitled the United States, in their remote situation to the peaceable pursuit of their industry, by means whereof, in its various branches, their wealth and power were rapidly increasing ; and to an exemption from the conflicts of Europe ; which, involving them, would check their population, drain their resources, and ensure their poverty. On a candid investigation then of the causes of the unhappy differences between the two governments, on a disposition to correct errors, to which all governments are more or less liable, and on their mutual resolution to reciprocate justice, the success of the mission was conceived to depend ; and as this temper marked the plan of pacification adopted by the government of the United States, there was a rational prospect of success.

Soon after our arrival at Paris, the scene was changed, and the hope of a reconciliation being diminished, the necessity of harmony in the United States was proportionably increased, as the only mean for preserving their welfare and independence at home, their rights, and respectability abroad. In case of a war, there was every



reason to believe, that they would be able to defend themselves against any nation, or coalition that could be formed against them ; whilst their citizens should consider the government, chosen by themselves, as the pole star of their salvation ; should rally round its standard, when raised for their defence ; should rise superior to foreign intrigues, always expert in fomenting divisions, and often aided by popular elections, legislative debates, and clashing opinions and interests ; and should promote unanimity, by toleration amongst themselves. Nevertheless, the critical state of our affairs required, that France should not be furnished with pretexts, for charging the American government, or ministers, with neglect of means for obtaining a reconciliation.

When the minister of foreign affairs, in October last, unauthorized by the executive directory, as Mr. Y. had informed the envoys, to have any communications with them, had expressed a desire to see them in their private capacities, I was opposed to a compliance, *individually* ; not from considerations of etiquette, which had no weight in my mind, but because it would infer on me, a separate agency in matters wherein I was but jointly authorized : to prevent however the imputation of a failure of the negotiation, then daily expected, to the United States, I submitted to the measure, was unsuccessful in my attempts to make it general, and was thereby subjected to a series of embarrassments.

The particular attentions of the minister to me, lest they should be invidious, were in every instance but two declined ; and in one of these I yielded to importunity : preferences I viewed as a source of division.

The second conference which I held with the minister, being on the 17th of December, and his propositions to the envoys, were published with their despatches. Their answer, which was unanimously in the negative, was delivered by me to his secretary. Mr. Y. had expected it, and expressed a surprise that the secretary had applied for it.

On the fourth of February, the minister by order of the executive directory, proposed that I should treat separately : the circumstances thereof, and of my refusal, are generally detailed in the correspondence enclosed.

The minister afterwards desired me by his secretary, to communicate to the other envoys, his proposition for a loan subsequent to the war ; which he soon relinquished. On this subject, our first instructions were silent ; the last were explicit, and necessary to determine my judgment.

In consequence of his letter to the envoys, of the 28th Ventose [18th of March,] the minister renewed his proposition for me to treat separately ; and again received a negative answer. He then proposed that I should remain at Paris, until the sense of the government could be obtained ; declaring as before, that an immediate rupture would be the consequence of my departure. To have left France under such circumstances, was a measure which I could not justify. The power of declaring war, was not intrusted with the supreme Executive of the United States, much less with a minister ; and to have thus provoked it, would in my mind have been tantamount to a declaration thereof. Indeed, to have plunged the nation into a war, suddenly, even if it was inevitable, appeared to me in other respects unwarrantable. Congress, who alone had the right to adopt this measure, might, by such a premature step, have been defeated in their previous arrangements, and subjected to other manifest inconveniences, and the Executive might have been placed on ground less advantageous for forming alliances, &c. Whereas, my detention at Paris gained time, if this was requisite ; and could not procrastinate a declaration of war, if the United States were prepared for it.—Other considerations had their weight. France at that time was making very formidable preparations, with a professed design, *to overthrow the British government* : and such were the exertions and enthusiasm of her citizens, armies, and administration, as to spread a general alarm throughout Great Britain. It was evident then to common observation, that should France succeed, she would acquire by the powerful navy and resources of Britain, such strength, as to be able to give law to Europe, and to regions more remote ; and it was rational to suppose, that a coalition would be formed, of such European powers as were not in the interest or under the influence of France, to put an end to the war, by offering their mediation, and declaring their intention to oppose the power which should refuse it : the tempo-

ricing negotiations at Rastadt had this aspect. Moreover, the internal affairs of France were in an agitated state, and threatened civil commotions. If then, on the one hand, a new coalition against France, a change in her government, or even a successful resistance on the part of Great Britain, had happened, a favourable opportunity would have presented itself to the United States, for obtaining of her, a just and advantageous treaty : and this would have been lost, by a previous rupture in consequence of my departure. If on the other hand Great Britain unaided had fallen, the United States would have been in a much better condition at peace, than in war with the most formidable power the world had exhibited. In such an event, they could have had but small hopes of resisting France ; and it might have been deemed madness in them, even to have attempted it. For these reasons, I thought it my indispensable duty, to remain a short time at Paris.

The tenour of our instructions, the last as well as the first, shows that the government did not anticipate the proposition for treating separately, and made no provision for such an event. The French minister has uniformly insisted, that I had power to treat ; because in the instrument he saw that the envoys had a separate and joint authority. If the position could be established, it would authorize a foreign government, at pleasure, to reduce the number of a commission consisting of two or more members, and thus to deprive the constituting government of the joint abilities of its ministers ; or absurdly to insist on a separate negotiation with each minister, and to choose from their several treaties, that which should best answer its purpose : besides, in case of the misconduct of ministers, their government has a right to expect information thereof, and an opportunity of substituting others in their stead ; but I trust, that the arguments stated in the correspondence enclosed, are sufficient to show, that the power to treat did not exist ; or if it did, that I was justified, under existing circumstances, in refusing to exercise it.

On the 3d of April I received the minister's note, No. 3, and apprehending that he proposed to draw me into a negotiation, notwithstanding my resolution to the contrary, I sent him an answer on the 4th of April, (No. 4) to which he made no reply.

On the 20th of April, considering the unpleasant situation in which I was placed, detached from the other envoys, destitute of power to negotiate, irreconcilable to an application for it, and even to an acceptance of it, if offered, I addressed to the minister the letter No. 5, urged him to come forward with propositions for a reconciliation, and to release me from my confinement.

At our next interview, on the 28th of April, the minister informed me, that he could not comply with my proposals; not knowing the views of the United States, in regard to a treaty. To remove this obstacle, I gave the information, and in it the fullest extent to the claims of the American citizens against France, but I was silent with respect to the guaranty of the eleventh article of the treaty of alliance, and to what relates to the Barbary powers; and left it with him, in the first instance, to provide for a liberal commerce to the French colonies in the East and West Indies, and to express the views of France in regard to the proposed treaty. We afterwards conferred on the necessity of sending a French minister to the United States; and he promised to deliver me, within three or four days, the project of a treaty. On the evening of the 12th May, Mr. Humphreys arrived, and delivered me your letter of the 23d March; which, the next morning, was deciphered. Our government could not then have been apprized of the new state of affairs; but as it had signified, "that suspense was ruinous," I thought myself authorized to give immediate information to the minister of foreign affairs, that I should return to America in the *Sophia*, as soon as she could be fitted for the sea; and that it was necessary to expedite the measures we had contemplated, for effecting a treaty. The executive directory, as well as the minister, had, it was said, during the three preceding weeks, been indispensably occupied by the new elections; and these being finished, they could now proceed on American affairs: had the latter required more time than I had allotted for them, I was determined to have detained the *Sophia* a short period, rather than to have defeated the proposed arrangements. This I considered as my duty; for whilst the government manifested in their instructions, a just indignation at the treatment which their envoys had received, it evinced a dis-



position to peace : and as far as I could judge, the same temper now existed on the part of France.

On the 24th May, the minister sent the principal secretary of his bureau to inform me, that his government did not wish to break the British treaty ; but expected in the new treaty, such provisions as would indemnify France, and put her on a footing with that nation : to this I answered, that the information gave me pleasure ; that it was impossible for the United States, by violating that treaty, to become perfidious ; that the treaty itself was an evidence of their good faith, inasmuch as it contained a provision, " that it should not be construed or operate, contrary to former and existing publick treaties, with other sovereigns or states ;" that, if in its construction or operation, France had sustained injuries, still she was sure of redress by the provisions thereof, as well as by her own treaty with the United States ; and that the latter ensured to her an extension of favours, in regard to commerce and navigation, if any such had been granted to Great Britain.

He said, there was a second point, which respected the claims of American citizens on the French Republick ; that if the latter should not be able to pay them, when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof. To this I answered, that the measure was impossible : but, that the claims might be adjusted, funded and made transferable by France ; and be redeemed, pursuant to such stipulations, as might be agreed on between the two governments.

He then stated a third point, which respected the consular convention. I answered, that perhaps it would be best, as its duration would be short, to let it expire. But if the present war should soon terminate, and commerce revive in France, it may be well to revise it in order to prevent further disputes, respecting the evidence for apprehending deserters, the judicial officers for issuing warrants, and the mode of executing consular decisions ; stating at the same time, that foreign tribunals could never be admitted within the jurisdiction of the United States. The secretary reported the conference, and informed me the next morning, that the minister would send me his answer, in writing, in a few days.

On the 26th May, I had a conference with the minister, the substance of which is stated in my letter, No. 24. Having pressed on this, as well as former occasions, the necessity of sending a minister to the United States, he now readily acceded to it: this would have enabled France to relax from any stipulations, which she might have urged there, but which might be found by her minister in the United States, to endanger the treaty.

In this state were affairs on the 27th May, when I was called on by one of the city gazettes, which announced the publication of our despatches, to deny their authenticity. Having reason to suppose, that the result of this new embarrassment, if not pacifick, would be very violent, I prepared for the event; being obliged to abide the consequences.

On the 30th May, I received from the minister his letter No. 6, and returned for answer No. 7. In this I repeated, what was published in our despatches, that X. and Y. had not produced a document of any kind, for authorizing their conference with us. I was not disposed to accuse, or exculpate the French government, or minister: the latter had disavowed the intriguers, as they were styled, and they, in their conferences with us had declared, that they were not authorized by the government: the matter was therefore left with the publick, as it had been referred to their tribunal.

On the 1st of June, the minister sent me his letter, No. 8, and I desired to know of the bearer, why application was again made to me for the names of the intriguers, when they could be otherwise ascertained. He answered, that he believed, by the exertions of the bureau and of the police of the city, the names were discovered; *and he mentioned them to me.* But, he added, that matters had become very serious; that the directory expected something from me, in confirmation of this discovery; that this was the use which would be made of my letters; and that the minister did not wish for any declaration from me, but what should be perfectly consistent with truth. I assured him that no extremity should produce from me any other declaration, and sent the minister my letter, No. 10. In this I guarded against the publication, on my authority, of the names thus communicated; and did justice to

certain individuals, who being suspected, were nevertheless innocent.

On the 7th June, the publication No. 35, appeared in the *Redacteur*. In this, contrary to assurances received, I was made to act a very conspicuous part; and was attacked under a thin veil of insidious compliments: the cause thereof was the detail, in the despatches, of my particular conferences. The next day, I prepared a letter to the minister, for detecting the artifices, and correcting the abuses, of that curious performance. But having considered, that it might open a door to altercation and delay, if not defeat the great object in view; or produce a mere disavowal of the anonymous publication, which afterwards was made in No. 21, I suppressed the letter, and on the 10th June addressed to him No. 13. In this, availing myself of the *pacifick declaration* contained in the strictures, I urged the *expedition of pacifick measures*, as a requisite to their success.

On the 11th of June, I received from the minister No. 14, in which, as he had informed my secretary, he revived the disagreeable subject of the despatches; and he concluded, by formally demanding, whether I was in a situation to treat? Every circumstance concurred now to prove, that the despatches had excited the resentment of the minister against the government, as well as myself; and had changed his plan in regard to the United States.

On the 13th June, I answered that letter by No. 15, and on the 20th received a reply, No. 16. In this the minister, in lieu of the proposed plan of a treaty, presented a general plan of negotiation: notwithstanding as he stated it, "my persevering to think my powers were inadequate," and "the most irritating provocations:" by the *first "point"* of this plan, a door would have been open to endless altercations, respecting the supposed abuse of the French government, by private writings, publick acts of the United States, official letters, and the despatches of the envoys; by the *second point*, the sense of the treaties was to be fixed, and the rights flowing therefrom, were to be established; and by the *third point*, the damages of deviations from the treaties were to be examined: he then stated, that "*very general instructions* were necessary for the negotiations; and proposed that I should apply for

them: *very general indeed* must the instructions have been, to have negotiated such a plan as this; and it was impossible to view it in any other light than that of an evasion of the arrangements proposed. It was easy to have pointed out the misinterpretations and misrepresentations, as well as the impolicy of the plan; but I was under the necessity of avoiding this, or of entering into a formal negotiation. To allure me into it, was probably the object of the minister; for soon afterwards, he invited me to discuss in *writing* some articles of the *second* point. In my answer therefore of the 22d June (No. 17) I merely observed, that "if he conceived a reconciliation would be best promoted by his mode only, I sincerely wished it success."

On the 29th June, I received the minister's letter No. 19; in which, after relaxing from the *first* point of his general plan, and suggesting that the *third* would not meet with much difficulty, as soon as the *second* should be amicably adjusted, he for the first time proposed, that I should discuss in *writing*, some articles of the treaty, comprised under the *second* point. Nearly *three months* had then elapsed, since I had declared I could only *confer* with him informally on the objects of the mission; nearly *two months* since he was informed of the views of the United States in regard to a treaty, and had promised to come forward in a few days with the project thereof; and *six weeks* since I had apprized him of my intention to embark in the *Sophia*. As then a compliance with his wishes would have given a sanction not only to his departure from the plan we had agreed on for forming an arrangement; but also to the measure adopted by his government, of accrediting at pleasure the whole or a part only of a commission; and as I had frequently demanded my passport, by letters, as well as by my secretary, I passed in silence his proposition for discussion, *as a measure he well knew was inadmissible*, and urged in my letter of the first of July (No. 20.) in a more decided tone, the demand for the passport, &c.

On the 5th July, not having received an answer to my last, I called on the minister, to know the cause of his detaining my passport; and to give him an opportunity before my departure, of removing the obstacles to a plan of pacification. He began by observing that in a note accompanying his last letter, he had stated two points re-



specting the consular convention, expecting that I would discuss them, as he had done, but I had not taken any notice of them ; that I had said I had no powers.—He had powers ; and of consequence, I should not compromit my state, whilst he would compromit his : that I might take the discussion to the United States, and my government might judge of it ; that when my colleagues were here the government could not treat with them ; that when they were sent off, it was ready to treat with me ; that although I had no powers I might send for them ; or remaining there might give my government an opportunity of sending other ministers, if I did not choose to proceed in the business ; that in this, there would be no responsibility on my part ; that there were but a few points for discussion which might soon be finished ; and that if a war was the consequence of my leaving the country, it would be chargeable to me. To which I replied, that the last proposition of the directory for me to treat, was one which I had before rejected ; that in April last, he knew I would only *confer* on the subjects of the mission, and made no objection to the measure ; that on the 29th June, after my baggage was on board, and I was ready to embark, he first proposed a discussion in *writing*, of the articles of the treaty ; that I considered this, however qualified, as a formal mode of negotiation, which I had uniformly declined ; that had he brought forward, as he had proposed, the plan of a treaty, and in it comprised the articles which I had stated, we might have passed on it expeditiously, and might have made it acceptable to both governments ; that the most important parts might have been first considered, and if not adjusted, might have precluded the necessity of passing on the rest ; that in addition to the objection already stated to his mode, it commenced with the consular convention, which would soon expire ; that should we agree on this, and on the lesser points of the commercial treaty, he may reserve to the last the weighty articles thereof ; and failing in these, we might waste several months, by a fruitless *negotiation* ; that should we unite in all the points which he has suggested, his mode of discussion would require several months ; that the loss of time, by these or other means, might compromit the government of the United States, and myself likewise ; that if a war should be the consequence of his departing from the plan we had agreed on,

for obtaining a treaty, he would be chargeable as the cause of it. The minister said the mode he had proposed was generally adopted by France. I replied, the other was not unusual, and in the present case was preferable, if not indispensable; he observed that the notes which I had lent him, respecting the views of the United States, were informal. I answered it was true, but that I would remove that difficulty: He then proposed the 7th July for another interview; but afterwards put it off till the ninth. On the 6th I reduced the notes to form, for constituting a part of the treaty.

On the 9th of July I called on the minister; and he inquired whether I had received his letter of that morning: I answered in the negative, and desired to know the contents; he replied, a discussion of two other points of the consular convention; on which I want your opinion in writing. I informed him, that I had stated the views of the United States without discussion, and expected the same of him on the part of France; that when this was done, I would proceed to a conference on each point, but not to an epistolary discussion; that such a mode would require, of diligent negotiation, three months, and with his official engagements, double that time: he said, no; that it would not require as much time as I had conceived; that there were at most but six other points. On your side, I replied, but many on ours. He answered "*pas d'avantage*," none besides. I said that I was glad to hear it; but to such a discussion as he proposed, I should prefer treating effectually. Some of the conversation was repeated which we had on the 7th, and I renewed my demand for the passport. He answered, that my refusal to discuss must first be given in writing, and we parted.— This is the substance of the two interviews.

On the same day, I received the letter mentioned at the interview, (No. 21) dated the 18th Messidor, (6th July) in which, speaking of his general plan in No. 16, he says "but it is not sufficient to send these propositions to your government; they are only the basis of discussions, necessary on each question of detail: the solution of which, we ought to find," although, in the last mentioned number, he had said in reference to them, "I am persuaded that you will transmit to your government exact documents: it will be *its* province, to take the best measures for accomplish-

ing a speedy reconciliation." In the letter first mentioned, the minister also observes, "I have apprized you, that it would be inconvenient to charge with this discussion, a minister plenipotentiary at Philadelphia. Circumstances have rendered this inconvenience more serious, and I do not conceal from you, that I fear new incidents." The fact was, as I ascertained to my satisfaction, that after the arrival of the despatches and other intelligence from the United States, the executive directory apprehended if a minister was sent there, that he would not be accredited; and that overtures, or any plan unaccompanied by a minister, would meet a similar fate.

On the 10th July, in my letter No. 22, I refused an epistolary discussion; and demanded a definitive answer to my application for a passport and other documents.

On the 15th July, I received the minister's letter of the 24th Messidor, (the 12th July) No. 23, in which he appeals to me, for the truth of his assertion, "that if nothing had prevented me from pursuing with him, the examination of the grievances, which separate the two countries, we should have needed nothing more than their respective ratifications." Before the arrival of the despatches of the envoys, the minister appeared to me sincere, and anxious to obtain a reconciliation. He had proposed by his secretary, an assumption of the debts due to American citizens; which I rejected: but he had made no other proposition of a loan whatever; and never renewed that. Indeed his views in general, as far as I could then ascertain them, were liberal in regard to a treaty: it is nevertheless impossible for me to determine whether we should have united in opinion, on every point of dispute between the republicks. I had a full expectation, that by the middle of June at farthest, we should have agreed on the plan of a treaty; and that a French minister would have been sent to America for completing it. I was likewise informed of the candidate: but after the arrival of the despatches, although the minister, in the name of the executive directory, declared that they persevered in their pacifick intentions, he probably for the reasons stated in explaining No. 21, abandoned the plan we had at first agreed on, substituted a general plan of negotiation, discussed some articles thereof in *writing*, and insisted, contrary to stipulations, on my answering him in the same mode. At this period



a reconciliation being quite problematical, one of his objects evidently was, to prepare materials for a manifesto, in the event of a war, to show that it was a matter of necessity, and not of choice. He says "that after the arrival of the Sophia, I was disposed to depart; till that time, he had never conceived that I had a design to embark, *before we should have agreed on the definitive articles, to be ratified by my government.*" Before and after the arrival of the Sophia, I had announced my intention to embark early in June; conceiving that the arrangements might be made by that period. I had no design, however, of departing before they were completed: provided, there should have been no reason to doubt of the minister's disposition, or of the success of our endeavours, for obtaining a reconciliation. His general conduct would have been the criterion of the first, and our progress in this business, of the last point: but having abandoned our original plan, he has not given me an opportunity to judge effectually of either.

On the 20th July, I sent the minister No. 24, and received on the 22d, his reply, No. 25. In this he declines a contest in regard to the facts stated by me in No. 24, which I was ready to support: he complains of my proposition for lopping from any future negotiation, every preliminary of a loan, and of explanations upon speeches; and refers to his letter of the 30th of Prairial, No. 16, to prove that this step was unnecessary. But although the first point of his plan in that letter is silent on these demands, they might as I conceived, be hereafter revived, and were for this reason brought again into view: by these means they were effectually renounced.

The minister, having the day before I left Paris, *published his letter, No. 23*, rendered necessary the publication of my answer, No. 24, and the note No. 26, as a preliminary thereto.

On the 8th of August, I received at Havre, the minister's letter, No. 27, to which No. 28 is an answer: the former contained the arrêté No. 29; and his desire to send it by the Sophia, probably produced the official impediments which for several days prevented her sailing. The minister is unwilling to admit that the arrêté was the effect of my representations: I believe there is no doubt of the fact: but it is a matter of little consequence.



No. 30 and 31, will show that Mr. Hautval in his letter to the minister, relative to our first interview, committed some errors, and candidly corrected them.

No. 32 and 33, require no explanation.

No. 34, will show the object of the Dutch minister in his conference with me, and requires no comment. I was before informed that this gentleman, if requested, would interpose his good offices; but did not think it proper to make the application.

No. 35, has already been the subject of some general remarks.

To No. 9, a verbal answer was sent by the minister, that the letters and despatches therein mentioned, "had never reached the government."

On the 26th of July, I left Paris; and from the best information which I could obtain relative to the disposition of the executive directory (for I never had any direct communication with them) they were very desirous of a reconciliation between the republicks. Every impediment to my departure had been adopted by the French minister; and he would have prevented it, had he succeeded in his plan of an epistolary discussion: his object was, as I conceived, to gain time for ascertaining, whether the United States were then disposed to a treaty; of this he manifested doubts, being persuaded that their resentment was too great to admit of it. He seemed also to apprehend, that in consequence of the incredible exertions of Great Britain, and the unequivocal evidence she had given of her ability to defend herself, they were inclined to avenge their injuries, by an alliance with her: and that should France come forward with overtures, or the plan of a treaty, she would fail therein, and compromise her honour. I was nevertheless of opinion, that should France be just and liberal in her measures, the government of the United States would still meet her on the ground of accommodation. My judgment was the result of their instructions; for I had never received any other official intelligence since my departure from America: I have therefore uniformly inculcated that sentiment.

Having been thus in a situation, wherein, amidst a series of events, each has been productive of fresh embarrassments, I have invariably pursued what to me appeared 'the honour', interest and welfare of my country, and been

guided by the sense of the government, as far as I could ascertain it.

If the door is still open to peace, the establishment of it must be an happy event to the United States, as it will exempt them from calamities, which notwithstanding delusive appearances, will with short intervals probably continue for half a century, to exhaust and depopulate Europe.

But if the national pulse beats high for war, and the wise and constitutional councils of the United States shall consider it as the only safe and honourable alternative, may that Omnipotent Being, who controls events, protect them; and may they commence the war with ardour, continue it with vigour, and terminate it with glory. That this will be the issue there can be no doubt, whilst the American Republick shall choose UNION for her MOTTO; and profiting by the misfortunes of other nations, shall be convinced that *discord will ensure dependence, and concord independence in war and peace.*

I shall probably when at leisure, give you some other details of less consequence, and in the interim remain, sir, with much esteem and respect, your very humble servant,  
E. GERRY.

Timothy Pickering, Esq. Secretary }  
of State of the United States. }

No. 1.

Paris, May 12, 1798.

SIR,—Being informed that Messrs. Prince and Brownfield who expected to sail in the same ship with gen. Marshall are yet at Bordeaux, I embrace the only favourable opportunity which has occurred since his departure, to enclose you a copy of a note, which I received from Mr. Talleyrand, minister of foreign relations, dated the 14th Germinal (April 3d.) of my answer the 4th of April, and of my letter of the 20th of the same month, being the day after gen. Pinckney left Paris. I had intended to have sent Dr. Tazewell, who is now in my family as secretary, with my despatches to our government, that no time might be lost in obtaining from it such arrangements for supplying my place, as might have enabled me immediately on his return to leave France; but the measure is become un-

necessary, by the prospect which I have of being able soon to embark for the United States, with the acquiescence of this government.

The decision of the executive directory with respect to my colleagues, after we had obtained, what we had been informed in our first conference with Mr. Bellamy was impracticable, a joint interview with the minister of foreign relations, and after the latter had seemed disposed to suspend matters, until we could obtain from our government an answer to our letters, was not less perplexing, than surprising ; and their proposition to treat with me separately, was inadmissible. It was a proposition to which I had given my negative above a month before, when made to me under an injunction of secrecy, by the minister of foreign relations. I was then informed that an immediate rupture would be the result of my departure from France ; and the same communication being again made, with information, that if I was determined not to negotiate separately, this government would be satisfied with my residence here, until the government of the United States could take their measures. I consented to this from public considerations solely ; for every private one was opposed to it. In my embarrassed situation, not losing sight of the great object of our mission, a reconciliation with this powerful Republick, I have taken a position, by which I mean to ascertain, if possible, without compromising the government of the United States or myself, the ultimate views of France with respect to them. It would have been impossible for me under existing circumstances to have consented to a separate negotiation, had the provision been made in our powers and instructions : for two of my colleagues, one from the southern, and the other from the middle states, having been sent back, I could have had no prospect of forming a treaty, which would have given general satisfaction to my country ; and I could never have undertaken any negotiation, without that prospect. It is therefore incumbent on me to declare that should the result of my present endeavours present to our government, more pleasing prospects, it is nevertheless my firm determination to proceed no further in this negotiation. The want of time and health preventing further communications

at present, I have the honour to remain, sir, with great esteem and respect, your most obedient, &c.

E. GERRY.

To the Secretary of State of the }  
United States of America. }

No. 2.

*Paris, May 13, 1798.*

DEAR SIR,—I have the honour to inform you, that the Brigantine Sophia arrived at Havre the 11th inst. and last evening at the moment of enclosing my despatches to you of yesterday, Mr. Humphreys delivered me your letter of instructions of the 23d of March, which shall be duly observed. The arrival of this vessel is a fortunate circumstance for me, and I shall embark in her for the United States, in lieu of taking my passage as I had proposed, in one of the American merchantmen now in the ports of France. The ultimate views of this government, which their minister has promised in writing in a few days, shall be obtained if possible. I remain, sir, &c.

E. GERRY.

To the Secretary of State of the  
United States of America.

No. 3.

TRANSLATION.

LIBERTY.

EQUALITY.

*Exterior Relation's Office. Paris, 14th Germinal, 6th year of the French Republick, one and indivisible. April 3, 1798.*

The Minister of Exterior Relations, to Mr. Gerry, Envoy Extraordinary of the United States of America to the French Republick.

I SUPPOSE, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations, which the end of my note of the 28th of last Ventose [18th March 1798] presents, and the obstacle which their known opinions have induced to the desired reconciliation,



to quit the territory of the Republick. In this supposition I have the honour to point out to you the 5th or the 7th of this decade, to resume our reciprocal communications upon the interests of the French Republick and the United States of America. Receive, I pray you, &c.

CH. MAU. TALLEYRAND.

No. 4.

*Paris, April 4, 1793. (Germinal 15th, an 6.)*

I HAD the honour, citizen minister, of receiving your letter of the 14th Germinal (the 3d. inst.) and Mr. Deutrement, who delivered it, informed me, that it was intended to be shown to general Pinckney and general Marshall.

Whilst my colleagues and myself, to whom the government of the United States have intrusted the affairs of the embassy, had a joint agency therein, I have carefully imparted to them all the propositions which you have requested, and the relative conferences, and to yourself our decisions thereon; regretting at the same time, the unfortunate and embarrassing circumstances which imposed on me this disagreeable task. But as by the tenour of your letter, it is now expected that they will quit the territory of the French Republick, it will be impossible for me to be the medium of, or to take any measures which will be painful to my colleagues, or not to afford them all the assistance in my power; and it would be moreover inconsistent with the line of conduct, which you well know, citizen minister, I have uniformly observed, for removing the unfavourable impressions which existed on the part of this government against them. Indeed in our last letter, their is a conditional application for passports, which as it appears to me, supersedes the necessity of a hint to them on this subject; and general Marshall is waiting impatiently for an answer to that part of it which respects a letter of safe conduct, for the vessel in which he and his suite may take passage for the United States, to determine whether he shall embark from France or from Great Britain, but the unfortunate situation of general Pinckney with respect to the critical state of his daughter's health, renders it utterly impossible for him to depart under existing circumstances.

You have proposed, citizen minister, the 5th or 7th of this decade for me to resume (*repandre*) our reciprocal communications, upon the interests of the French Republick and of the United States. The reciprocal communications which we have had, were such only as I have alluded to in the beginning of this letter; unless your proposition accompanied with an injunction of secrecy, for me to treat separately, is considered in that light. To resume this subject will be unavailing, because the measure, for the reasons which I then urged, is utterly impracticable. I can only then confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences, being in my individual capacity unauthorized to give them an official stamp. Nevertheless every measure in my power, and in conformity with the duty I owe to my country, shall be zealously pursued to restore harmony, and cordial friendship between the two republicks. I had the honour of calling on you last evening, for the purpose of making this communication verbally; but as you were absent, to prevent misconceptions, I have thought it best to reduce it to writing.

Accept I pray you, citizen minister, the assurances of my perfect esteem and respect.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

No. 5.

*Paris, April 20, 1798. (1 Floreal, an 6.)*

CITIZEN MINISTER,—My colleagues having been under the necessity of departing from Paris, have left me in the most painful situation: as it respects themselves, the government and nation which I had the honour with them to represent, and my personal circumstances. The alternatives presented to my choice, were the continuance of my residence here, or an immediate rupture on my departure; I have chosen the former, prompted by every consideration of the duty I owed my country.

The object of this government in my remaining here, as announced in your official note of the 14th Germinal, (3d

April) was "to resume our reciprocal communications on the interests of the French Republick and of the United States." My answer informed you that "I could only confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences; being in my individual capacity, unauthorized to give them an official stamp." This then I consider as the line of conduct well understood to be observed on my part; and in the present state of affairs, citizen minister, I flatter myself, that propositions for terminating all differences, for the restoration of harmony and friendship, and for the re-establishment of commerce between the United States and France, will be promptly made on the part of the latter; that they will be such, as corresponding with the justice and magnanimity of this great nation, and with sound policy, will ensure success; that I shall have an opportunity of soon embarking for the United States, and presenting them to my government for their consideration; and that all further depredations on our commerce, by French cruisers, will in the interim be prohibited. If in forming this arrangement I can render any services; you may be always sure of my immediate and cheerful co-operation.

Measures like these will at once extinguish those coals of discord, which kindled into a flame, must be destructive of the respective interests of the two republicks; will not only restore, but increase, if possible, their former confidence; and terminate in a competition for excelling each other in mutual acts of generosity and kindness.

In any event, citizen minister, I flatter myself it will not be thought necessary for me to remain long in France, as the state of my family and affairs requires my immediate return to the United States; and as their consul-general will continue his residence here, which, pending negotiation, will answer every political purpose. I pray you, citizen minister, to accept the assurances of my most perfect esteem and regard.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

## No. 6.

## TRANSLATION.

*The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 11th Prairial, 6th year of the Republic, one and indivisible. (May 30, 1798.)*

I COMMUNICATE to you, sir, a London Gazette of the 26th of last Floreal [May 15, 1798.] You will therein find a very strange publication. I cannot observe without surprise, that intriguers have profited of the insulated condition in which the envoys of the United States have kept themselves, to make proposals and hold conversations, the object of which was evidently to deceive you.

I pray you to make known to me immediately the names denoted by the initials W. X. Y. and Z. and that of the woman who is described as having had conversations with Mr. Pinckney upon the interests of America; if you are averse to sending them to me in writing, be pleased to communicate them confidentially to the bearer.

I must rely upon your eagerness to enable the government to fathom those practices, of which I felicitate you on not having been the dupe, and which you must wish to see cleared up. Accept the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

## No. 7.

*Paris, May 31, 1798.*

YOUR letter, citizen minister, of the 11th Prairial [30th May,] and the gazette to which it refers, were delivered to me by Mr. the latter contains the whole of the informal negotiations communicated by the envoys to their government, and the letter states that certain intriguers have made propositions and held conversations with the envoys, the object of which was evidently to deceive them. You have therefore desired me to communicate their names. If any of those persons were unauthorized to act, or having definite powers, have exceeded them, they certainly have abused this government and the envoys likewise; but I



am incompetent to judge of these points, as they did not produce, to my knowledge, credentials or documents of any kind.

The publications referred to are sufficient to show the delicate situation I am in with respect to the names of the persons, and are marked with such circumstances, as to enable you, I flatter myself, to investigate the subject without insisting on any communications on my part.

To free, however, some innocent persons from suspicions which are said to have embarrassed them, I have no objection to declare that three of the persons were foreigners, and that the fourth acted merely as a messenger and linguist.

You will observe, citizen minister, how extremely averse the envoys were from such an informal mode of proceeding, by their answer of October the 30th, to certain propositions previously made to them; that on the first of November they agreed to put an end to such an intercourse; and that they carried into effect their resolution, notwithstanding the reiterated attempts afterwards made to defeat it. They conceived it nevertheless to be their duty to make a communication of the whole to their government. Accept, citizen minister, the assurances of my perfect esteem.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

No. 8.

TRANSLATION.

*The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 13th Prairial, 6th year. (June 1, 1798.)*

I HAVE received, sir, your letter of yesterday. You inform me, 1st, that the gazette presented contains all the informal negotiations, communicated by the envoys to their government; 2d, that the persons referred to, have not produced, to your knowledge, any authority, any document of any kind whatever, to accredit themselves; 3d, that three of the individuals mentioned (that is to say, in the order in which I have placed them, W. X. Y.) are

foreigners, and the fourth (that is to say Z.) acted only as messenger and interpreter.

Although I perceive your repugnance to naming those individuals, I must earnestly request you to yield it to the importance of the object. Be pleased therefore, 1st, either to give me their names in writing, or communicate them confidentially to the bearer; 2d, to name the woman whom Mr. Pinckney mentions; 3d, to tell me whether any of the citizens attached to my service, and authorized by me to see the envoys, told them a word, which had the least relation to the disgusting proposition which was made by X and Y to give any sum whatever for corrupt distribution. Receive, sir, the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

No. 9.

*Paris, June 1, 1798.*

CITIZEN MINISTER,—Being officially informed that sundry letters for general Marshall, Mr. Murray, our minister at the Hague, Mr. Bourne, our consul at Amsterdam, the house of Lange and Bourne, and myself, captured in the American ship Farmer, some time since, and sent to Rotterdam, were by order of Mr. Delacroix transmitted to Paris, in pursuance of the instructions he received from this government, and having made several unsuccessful efforts to recover these despatches, permit me to request your assistance for obtaining them without further delay. Accept, citizen minister, the assurance of my perfect esteem and respect.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

No. 10.

*Paris, June 3, 1798, Prairial 15, an 6.*

CITIZEN MINISTER,—Mr. has delivered me your letter of the 13th Prairial, wherein, after recapitulating a part of mine of the 31st of May, you request me immediately to submit to the importance of the object, and 1st to give you in writing, or communicate confidentially to him, the

names of those persons designated by the letters W, X, Y, Z. 2ndly, to name the woman quoted by Mr. Pinckney. 3dly, to inform you whether any of the citizens attached to your employments, and authorized by you to see the envoys, have said one word which had the least relation to the shocking proposition which has been made by X and Y, for us to deliver any sum whatever for a corrupt distribution.

With respect to the persons designated by X, Y, Z, I will enclose you their names under my hand and seal, on your assuring me, that they shall not be published on my authority, although the measure does not appear to me necessary for their discovery; and Z, as he informs me, has made himself known to you. But W never having spoken to me a word relative to X, or to any part of our communications, the manifest impropriety of my giving hearsay information, will, I presume, apologize for omitting it.

I cannot give you the name of any lady, for no one has made any political communications to me since my arrival in Paris.

In regard to the citizens attached to your employments, and authorized by you to see the envoys on your official communications, I do not recollect a word from any of them, which had the least relation to the proposition made by X by Y, in their informal negotiations, to pay money for corrupt purposes. Accept, &c.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

No. 11.

TRANSLATION.

*The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 16 Prairial, 6 year, (4th June, 1798.)*

Your letter of yesterday, sir, has just been handed to me. You may render to me in perfect confidence the names you mention to me, under your hand and seal. I assure you, that they shall not be published as coming from you.

Receive, sir, the assurance, &c.

CH. MAU. TALLEYRAND.

## No. 12.

*Paris, June —, 1798, Prairial —, 6 an.*

THE names of the persons designated in the communications of the envoys extraordinary of the United States to their government, published in the Commercial Advertiser of the 11th of April last at New York, are as follow:

X, is Mr. ———,\*

Y, is Mr. Bellamy.

Z, is Mr. Hautval.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

## No. 13.

*Paris, June 10, 1798.*

CITIZEN MINISTER,—Having been informed by my secretary on the 7th, that you proposed to write to me the beginning of this decade, I have impatiently expected, but have not yet received your communications.

The arrival of the newspapers, containing the despatches of the envoys to the government of the United States, after embarrassing and detaining me a fortnight, has produced a publication, wherein it is declared that this Republick “will never cease to manifest her dispositions to live in peace with America.”

If this declaration really is, as it appears to be, official and expressive of the sense of this government, and is followed by a system of policy superior to unimportant considerations, permanent friendship may be soon established between the two republicks.

When it is considered that nine months have elapsed since the arrival in Paris of the ministers who were charged with this important negotiation, and six weeks

\* Mr. Gerry has inserted the proper name of X, in this document, as given to Mr. Talleyrand: But the person designated by X, not having (like Y.) avowed himself, the promise made by the envoys to him and Y, “that their names should in no event be made publick,” is still obligatory on the Executive in respect to X, and therefore his name is here omitted.

T. PICKERING.



since the departure of two of them; when this delay, and a series of the most unfortunate events, have inevitably produced alarming apprehensions on the part of the government and citizens of the United States, that France is hostile towards them, and waits only for a favourable opportunity to evince it; when France herself, in the publication mentioned, has declared that her enemies flatter themselves with the hope of exciting in the United States a war against her; when in this belief she must be convinced, that in such a critical state of affairs, events are too rapid to admit of delay; when such is the decision and ability of this government, in some of its most important negotiations, as to require but a few days to complete them; I flatter myself that such an arrangement on the part of this government will speedily be made, as will manifest its amicable dispositions towards the United States, quiet the apprehensions of their government, open on a liberal system the channels of their commerce with this country, and afford them a well grounded assurance of a speedy and happy issue to their efforts for peace.

The brigantine *Sophia*, Henry Geddes, master, in which I mean immediately to embark, is national property; but nevertheless subject, as is represented, to detention by the embargo at Havre; I must request therefore an order for exempting her from this prohibition.

My passport and the letter of safe conduct for the vessel are not yet received.

Accept, I pray you, &c.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

No. 14.

TRANSLATION.

*The Minister of Exterior Relations of the French Republick, to Mr. Gerry, Envoy of the United States. Paris, 22 Prairial, 6th year, (June 10, 1798.)* •

You could hitherto have remarked, sir, in my letters of the 11th, 13th, and 16th of this month, nothing but my eagerness to fathom the dark intrigue therein referred to, and to discover its ramifications. All further explanation

in this respect would be beneath the dignity of the French government.

But I will not preserve the same silence on the intention manifested by the message of the President of the United States to the legislature, of the 14th Germinal [April 3d, 1798,] by the nature of the documents adduced as pertaining to the basis of a negotiation, by the rapid publicity given to this strange collection, by the concealments made of the official communications. That intention is too well perceived in France and in America to require a development. It is sufficient to repel the rumour so injuriously spread of the hostile dispositions of France, I will therefore refer myself to the note I addressed to the envoys on the 20th of last Ventose [March 18, 1798.] I doubt not that they will have promptly forwarded it to the President of the United States, and I must believe that as soon as it shall be made publick, it will efface from the minds of the American people the ill founded uneasinesses which they have been made to entertain. As to the French government, superior to all the personalities, to all the manœuvres of its enemies, it perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries. I confirm it to you anew. The French Republick desires to be restored to the rights which its treaties with your government confer upon it, and through those means, it desires to assure yours. You claim indemnities: it equally demands them: and this disposition being as sincere on the part of the government of the United States, as it is on its part, will speedily remove all the difficulties.

It remains for me to ask you, sir, whether you are at length in a situation to proceed towards this important object.

Receive, sir, the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

No. 15.

*Mr. Gerry, to the Minister of Foreign Affairs of the French Republick. Paris, June 13, 1798.*

I HAVE received, citizen minister, your letter of the 22d Prairial [10th June,] wherein, after informing me that all

further explanation respecting the dark intrigue in question, will be below the dignity of the French government, you say, that you will not keep the same silence upon the intention manifested in the message of the President of the United States to the legislature, the 14th Germinal [3d April;] in the nature of the pieces produced, as forming part of a negotiation; in the rapid publicity given to this strange collection; and in the concealment of official communications, by which, in the subsequent part of your letter, you allude to your note to the envoys of the 28th Ventose [18th March last.]

If the wishes and interest of the two republicks call loudly for an accommodation of their differences, (and of this, *the government of France*, as well as *that of the United States*, appears to be convinced,) is not a restoration of friendship between *them*, one of the most direct means for accomplishing that desirable object? And is it not altogether neglected? The unfounded prejudices against the President of the United States, in regard to his message, will be manifest, by comparing it with his official duty, designated by the constitution, and also by referring to the dates of your note and of his message: whereby it will appear, that the latter was but sixteen days later than the former, and that it was impossible that the President could have received your note, or concealed it from the publick. The government of the United States, pure in its principles, just in its objects, and wise in its counsels, is also superior to all personalities; and I wish these may for ever cease; for sure I am, that from such a source, no good, but infinite injuries, may result to the two republicks. You conceive that your note, which was duly transmitted by the envoys to the government, when published, will efface from the minds of the American people their unfounded inquietude. Of this I can form no judgment; but before you addressed that note to the envoys, the proposition therein contained had been made to me to treat separately, and I had stated, that the measure was in itself impolitick, and as it respected myself, impossible.

I have nevertheless, contrary to my wishes and interests, complied with your subsequent proposition for remaining here to prevent a rupture. I have been happy, since, by your repeated assurances, that this government was sincerely disposed to reconcile all differences between the

two countries, and probably would soon make an arrangement adequate to the object: indeed I had great reason to hope, that I should have been furnished with a copy of it, before my leaving Paris, and I earnestly wished it, lest the disappointment which might result from my return to the United States without it, should produce unhappy effects; but the vessel in which I am to embark, being ready for sea, waits only for my arrival at Havre with the requisite documents for the voyage.

The sincerity of the disposition of the government of the United States, to meet this government on the ground of the existing treaties between the two countries, and to do justice to France, as well as to receive it from her, is too evident to admit for a moment of the least doubt; but I again repeat, that I have no powers to enter on the negotiation. Nevertheless, the proposed arrangement might be made by this government, and a minister be sent to America to complete it: as it is of little consequence to either, in which nation the negotiation is concluded, but of great importance to both that it should terminate in an immediate accommodation, and in the restoration of their friendship. I presume that in this our wishes are alike sincere and ardent, and that the magnanimous policy of this government to persevere in the intention to reconcile with sincerity all the differences between the two countries, will have a speedy and happy effect.

Accept, citizen minister, the assurances of my perfect respect.

E. GERRY.

No. 16.

TRANSLATION.

*The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 30th Prairial, 6th year, (June 18, 1798.)*

I HAVE received, sir, your answer of the 27th of this month, to my letter of the 22d. You take the trouble to observe to me, that my note of the 28th Ventose [18th March, 1798,] could not have made a part of the documents communicated by the President of the United States on the 14th Germinal [April 3d, 1798.] Do me



the justice to believe that I have not committed this mistake.

You persist in thinking, that your powers and your instructions do not permit you to proceed to the conciliating of the differences between our two republicks. You even announce to me positively your departure for the United States, in the vessel which your government has despatched to Havre. I should have presumed, that after having received and transmitted to Philadelphia my note of the 28th Ventose, that one of the envoys, whose impartial dispositions appeared to promise a reconciliation, would wait at Paris for further instructions and powers, if he had need of them. It even appears to me, that these documents cannot now be long in reaching you, provided your government is as averse to a rupture as you assure me. The part you take tends to give room to conjecture, that the vessel arrived at Havre, has only brought you orders, similar to the acts of which I complained on the 22d of this month.

Nevertheless, sir, such is the sincerity of the assurances which I have given you in the name of the executive directory on the 28th Ventose, and which I have since repeated to you, notwithstanding the most irritating provocations, that I do not hesitate to explain myself to you, as if you were in a situation to receive my overtures.

All negotiation between France and the United States, must essentially rest upon three principle points.

1st. Frank and amicable declarations concerning certain circumstances, which malevolence has, and may yet misrepresent.

It is utterly false, notwithstanding the publick and private insinuations which have been made, in private writings, and in solemn acts, that the French government has ever sought to detach the people of the United States from the constitution they have given to themselves. It has complained of the American government, but to the government itself. Justice demanded, that it should render homage to the sympathy of a free people for the cause of liberty; and it did not go farther.

The Secretary of State, Mr. Pickering, has inserted in his publick letter to Mr. Pinckney (of the 16th of Jan. 1797,) assertions against the good faith of France in the negotiations of 1782, which have no other foundations

than the interested communications of the English negotiator. It is a long time that this insidious weapon, forged by the enemies of France, has been used in the dark.

It is of importance to the two countries, to understand each other equally concerning the true value of several documents published as emanating from the French government, and of the private acts of certain agents, whom it has disavowed. In effect it is only by destroying all the germs of distrust, that a good understanding can reappear and continue hereafter without being obscured.

2. Fixing the meaning of several articles of the treaties between the two countries, and the absolute enjoyment of the rights which flow from them.

Long before the war, the 9th and 12th articles of the convention of the 14th of November, 1788, the first relative to deserters, and the second relative to the jurisdiction of the consuls, were a continual source of altercations. They have become completely null by interpretations foreign to their manifest intent. It is necessary to perfect them.

By the 6th article of the treaty of alliance, France has renounced the Bermudas, New Brunswick, Nova Scotia, Cape Breton, Canada; in other words, it has renounced the procuring for itself of one of the ports, which would have been so necessary for it to possess for the protection of its sugar islands. It devoted, in preference, the effort of its arms to the defence of the United States. It was understood that it should find proportionate advantages in their ports. One of these advantages is found implicitly in the 17th article of the treaty of commerce of the same day. The French ships, publick and private, may freely enter into the American ports with the prizes which they may take. The ships publick and private of the enemies of France, who may have taken prizes from it, shall not, on the contrary, have any asylum in those ports. Such is the literal sense, such is the intended sense. Does good faith permit a distinction between the vessels of the enemies of France, who leave their prizes without the port and those who come in with them? Can it be decided that the latter only should be excluded, without evidently violating the clause of the treaty which is the most important to France? Can it be invalidated by subsequent engagements? Doubtless not.

In virtue of the same 17th article, no authority whatever of the United States is permitted to interfere with the prizes taken by French ships publick and private. The captains are bound only to show their commissions, because it is necessary to be able to distinguish the pirate from authorized vessels. It is also lawful to demand the release of a prize taken within the extent of the jurisdiction, that is to say, within the reach of cannon shot. But what abuse, what vexations, what odious chicanery, have flowed from the deviation from the meaning of the article? The government of the United States has rejected the precautions suggested to remedy the evil. Experience has shown that without those precautions the article is illusory.

The United States permitted the sale of French prizes until Prairial, 4th year [May, or June, 1796.] At this period the supreme court decreed the revocation of this advantage, in virtue of the 24th article of the treaty with Great Britain. The 27th article nevertheless adds, that that treaty shall in no respect alter those which the United States may have previously contracted. But the liberty, enjoyed by the French vessels of war of selling their prizes, is derived from the 17th and 22d articles of the treaty of commerce of the 6th February, 1778. The 17th article would be of little value, if it were confined to the right of asylum. The 22d article would be mere surplussage, if it did not declare a right for the French and an interdiction for their enemies. Great Britain obtained a similar right only on condition that it should be without force in all cases wherein France should be interested. When the United States concluded their treaty with Holland in October, 1782, the memory of the treaty of 1778 was not yet weakened; and the exclusive privilege of the 22d article of the latter is formally acknowledged in the 22d article of the former.

The same 22d article of the treaty of 1778 must be appealed to against the refusal given to French vessels of war to make any change of their armament in the United States. If the desire to prevent the disorders, of which the American government complained, induced the committee of publick safety, in the beginning of the 2d year, to cause all original armament in the name of the Republick, in the United States, to be stopped, it did not intend



that the abandonment of a doubtful pretension should carry with it that of an explicit right.

In the 23d and 24th articles, France and the United States have agreed, that the neutrality of the flag should determine that of the cargo, and have contracted the too extended catalogue of contraband merchandise. It would have been pleasing to the Republick to see in general prevalence, a system conformable with sound justice, and which it flatters itself one day to extend. But how could the obligation remain reciprocal between it and the United States, when there no longer remained a parity of situation.

The English government has abused the liberality of France to her injury, since the commencement of 1793, and has not even spared American cargoes bound to French ports. Principles, contrary to those which influence the Republick, have been consecrated since, in the 17th and 18th articles of the treaty of London. It is doubtless a forced concession on the part of the United States, who until then made it their glory in all their treaties, to aim at the liberty of the seas; but finally, it is a concession made by them in favour of England. France ought to enjoy it, in virtue of the second article of the treaty of Paris: its regrets cannot render it insensible to its rights.

It ought, in virtue of this second article, which renders immediately common to it, every favour accorded by the United States to any nation whatever, to claim some other parts of the treaty of London.

3. The impartial examination of the damages which have resulted from the deviation from the treaties of 1778.

The treaties which bind the two nations have been insensibly rendered insignificant by sophistical interpretations. The clearest clauses have been finally denied. The American government has never paid regard to the successive complaints of the ministers plenipotentiary of the Republick. It has never admitted them to enter into conference on this subject. It has always taken upon itself to decide; although in every reciprocal contract, neither party possesses the exclusive right of interpretation. After having exhausted itself in representations, the French government was obliged to cause its complaints to be unfolded for the last time, on the 25th Bru-



maire, 5th year [Nov. 15, 1796.] Stripped of the advantages which the most sacred, the most liberal treaty assured to it, it has been forced in order to bring the United States back to their obligations to France, to imitate the conduct which England pursued previously to the treaty of London.

That court moderated its measures, after its object was accomplished : the present complaints of the United States might have been prevented, if those of the French government had been attended to. The complaints which the United States now make are, in fine, only the consequence of a state of things which has cost the French Republic and its citizens the most considerable damages. The French government nevertheless has not ceased to offer the exact justice which it demands. It has never refused, and never will refuse, to enter into discussion upon every proper subject.

I have given, sir, to these three points a large development. We are very near an agreement, when we really desire it on both sides, and when we candidly admit the state of the question. You see the negotiators require very general instructions, in order to obviate the inconveniences which are prolonged even until now. I believe, to fix the meaning of our treaties, it will be proper to draw up a declaration concerning it, to be hereafter obligatory upon the two parties, and considered as making a part of the original acts ; a declaration which, that it may have the force of law, should be established by the ratifications, which the constitutional forms respectively require.

The United States are placed in that happy unconnected state, which makes them, doubtless, set a particular value upon the clauses of their treaties, relative to their commerce and navigation. It is the effect of the long neutrality which they have the hope of maintaining. But France, although firmly determined, since it has become a Republic, to live in peace with all nations, cannot flatter itself with escaping the scourge which periodically torments Europe ; and prudence requires that it preserve the rights which treaties secure to it, in neutral ports, in time of war. With this double view, the American negotiators digested the treaty of commerce of 1773. Although it be

reciprocal upon the whole, some provisions are more specially applicable to the fixed position of the United States; and others have allusion only to the eventual position of France. The latter has made great sacrifices for the independence of the former. France has stipulated few advantages, advantages which do not in any respect injure the United States, and the lawfulness of which no foreign nation can contest. The French Republick will never renounce them.

It is now in the power of the United States to realize the dispositions which you manifest in their name. The prudence of your connections in France has preserved you from the prejudices which it is difficult not to contract, when one is less on his guard against foreign and even domestick intrigues. I persuade myself that you will transmit to your government only accurate documents. It will belong to it to pursue the best measures to effectuate a prompt reconciliation; and I ardently desire that they may correspond with the wish of the executive directory.

I continue however to think that instead of returning to the United States, it would be preferable that you should ask for the instruments necessary to the negotiation. Nothing could more accelerate the drawing together of those ties, which the French Republick and the true Americans have regretted to see relaxed. Your presence at Paris, if the powers, which must be supposed to be on the road, should soon arrive, may momentarily accomplish the object which we both ambitiously pursue.

Your departure, on the contrary, will give a new activity to the plots laid for precipitating the two countries into measures which are as repugnant to their inclination as to their interests.

The French government being, besides, penetrated with the same sentiments, which you testify, will hereafter wait for what may be addressed to it, and with pleasure will behold you as the organ. Accept, sir, the assurances of my perfect consideration.

CH. MAU. TALLEYRAND.

## No. 17.

*Paris, June 22, 1798.*

I RECEIVED, citizen minister, on the evening of the 20th instant, your letter of the 30th Prairial [18th of June] in answer to mine of the 13th. You say you have not made the mistake, respecting your letter of the 28th Ventose. I am not disposed to impute to you a mistake, if you have not made it; although I think that your letter will warrant the construction I gave it: be this as it may, justice requires that the President of the United States should be free from the imputation of having concealed official communications, when he had published all, which it was possible for him to have received.

You should have presumed, as you state, that after having received and transmitted to Philadelphia, your note of the 28th Ventose [the 18th of March] I would wait at Paris for instructions, and further powers, if necessary. But I had a right to expect, from what had passed between us before the arrival of the brigantine Sophia, and indeed after it, that I should have received, for the consideration of the government of the United States, propositions on the part of this government, for reconciling the differences and restoring friendship between the two republicks; that I should, ere this, have been on my passage to the United States; and that a French minister would have been sent to Philadelphia to complete the negotiation.

I accordingly informed you, before the arrival of the brigantine, that I should embark for America in June; and after her arrival, that I should take my passage in her, as soon as she could be fitted for the sea.

You have stated, and developed three points, on which you conceive the negotiation between France and the United States ought essentially to rest. Your letter on this subject I will carefully communicate to my government; and if, after the voluminous official discussions, on the part of each of the republicks, of the subjects in dispute between them, you conceive that a reconciliation will be best promoted by this mode only, I sincerely wish it success.

You say that France, in her treaty with the United States, has stipulated few advantages, which in no wise injure them, and the legality of which cannot be contested by any foreign nation. You then add, that the French government will never renounce them.

The government of the United States never desired of France a renunciation of any right, to which she is entitled by their existing treaties; in construing some parts of these, the two governments have different opinions; but this is not unusual between nations; and when they are amicably disposed, and governed by the principles you have justly laid down, that neither party has the right of exclusive interpretation, they are generally successful, if direct measures fail, in adjusting their disputes by arbitration: this mode has been successfully adopted by the United States with other nations.

My connections in France, citizen minister, have neither preserved me from, or subjected me to prejudices. I am governed by my own principles, those you may be assured, will always prompt me, in the discharge of my duty, to present to my government exact documents and statements of facts.

It is impossible for me to apply to the government, for the necessary instruments to conduct the negotiation. On the other hand, should such a proposition be made to me, I should certainly, under existing circumstances, decline it. Nevertheless, I again assure you, that it will give me the greatest pleasure, if by any other means, I can contribute to a just and honourable accommodation of the differences between the two republicks.

My return to the United States, which is indispensable, cannot, as I conceive, be attended with the effect you mention; more especially as the connection between the two countries will be still kept up by their respective consuls. Accept, citizen minister, the assurances of my perfect respect.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.



## No. 18.

*Mr. Gerry, to the Minister of Foreign Relations of the French Republick. Paris, June 25, 1798.*

CITIZEN MINISTER,—I am again under the necessity of applying for necessary documents to enable me to return to the United States; and as you cannot be insensible of the manifest disadvantages on my part resulting from the delay of them, I presume that they are now in readiness. Accept my assurances of esteem and respect,

E. GERRY.

## No. 19.

## TRANSLATION.

*The Minister of Exterior Relations, to Mr. Gerry, Envoy of the U. States. Paris, 9th Messidor, 6th year, (June 27, 1798.)*

IN answering, sir, your letter of the 4th of this month [22d June, 1798,] I regret that I am obliged to recur to the first paragraph. I complained that the publications made at Philadelphia on the 19th Germinal [8th April, 1798,] did not contain all that your government then knew. You supposed that I alluded to my note of the 28th Ventose [18th March,] which could not however have reached the President. I begged you not to attribute that mistake to me. You appear to adhere to your interpretation. From respect to your sincerity, of which I cannot doubt, I will surmount my repugnance to minute digressions, and will point out to you that one of the concealments which is the most striking.

I have been furnished from the United States with the clearest proofs, supported even by articles extracted from the American papers, of the knowledge which subsisted there before *Germinal* [before the 21st of March] of the objections of the executive directory to any negotiation with two of the envoys, and of its *express desire of treating with you*. In effect I early testified to you these dispositions; and the declaration on this subject inserted in my note of the 23th Ventose [18th of March] was only the

official expression of a thing already comprehended as well at Philadelphia as at Paris.

For the rest, sir, let us hereafter pass over these useless episodes, and let not our communications further bear the tint of recriminations. Those who are truly impartial, will, perhaps, discover a degree of generosity in this proposition coming from my side.

Let us seriously resume our explanations. It is for facts to prove the reality of the intentions professed on both sides. My last letter attested to you very forcibly those of the executive directory. You do not allow those of the President of the United States to be doubted. How then happens it, that after having received propositions, wherein every thing is combined for a frank and prompt conciliation, you in some sort shut the door against all future advance?

You seem to insinuate, that these propositions have long been delayed. They could not have been made until after the departure of your colleagues: the first open negotiations upon the differences which subsist between the two countries take their date only since that recent period: nothing was entered upon as long as the three envoys were present: one alone manifested a temper of reconciliation. Afterwards, some time was necessary to unite the views you suggested with the determination the executive directory has made, to place the respective interests in front. I did not, above all partake in your opinion concerning the utility of your carrying the overtures of the French government personally to Philadelphia; and I never thought it advantageous to send thither a minister plenipotentiary from the Republick, before the happy issue of the negotiations commenced. I was, nevertheless, about to transmit the result of my reflections in the beginning of Prairial, [between the 20th and the last of May] when the incident happened, which for a moment suspended the principal object. I do not see what delay I could have prevented. I am mortified that circumstances have not rendered our progress more rapid, and it is in order to accelerate it, as well as to obviate every new casualty, that I have pressed you in my last letter to remain at Paris.

Did you not come here, sir, to establish friendship between the two republicks, and determined to spare nothing

to attain this end, as desirable to the United States as to France? Do not the full powers given to the envoys authorize them to negotiate separately? Is it after what has passed at Philadelphia that you can withdraw yourself? Ought you to do so when the French government, superior to all resentments, and never listening to any thing but justice, manifests itself anxious to conclude a solid and mutually satisfactory agreement? I have invited you to request promptly new powers, if you thought you stood in need of them, and they were not on their passage. You answer, that this step is *for you impossible*, and that you would, besides, under existing circumstances, decline taking upon yourself the conducting of the negotiation, if it was confided to you. I cannot reconcile this language with the avowed object of your voyage to France, with your full powers, with your attachment to your country, with the assurances you do not cease to give of the sincerity of your government.

I commend these observations to you, sir. Reflect on the possible consequences of your departure, and judge for yourself, whether he who truly wishes for peace ought to consent to it.

Let us continue more and more to advance the work we have entered upon. I may almost venture to say that it is your duty. The propositions which I have made to you embrace three points.

The first will take but little time, and may be postponed.

The third will doubtless experience no difficulty on either side, after the second shall be amicably settled.

It is to the second therefore that we should first attend; and it is so much the more important, as it embraces the source of all our differences. A calm and candid discussion will successively clear up every article of them. I do not see that the voluminous discussions which have been entered into at Philadelphia have shed any light upon it. They have rather contributed to set up the passions in the seat of reason. Ours shall always be followed by a conclusion either in the cessation or admission of the right reclaimed. It is necessary, in order to effect the act declaratory of the meaning of our treaties. As to the eventual arbitrament of a third power, I do not know whether the United States have sometimes had recourse to it. The French Republick has never experienced the

want of it; and I am persuaded, that on this particular occasion, it will readily come to an understanding with the United States, if they are determined to be just towards it, as it desires to be towards them.

Let us begin with the ninth article of the consular convention of the 14th Nov. 1788. I annex a note upon the difficulties its execution meets with in the ports of the United States. It shall be followed by similar notes, upon each of which we will endeavour to come to an agreement.

Accept, sir, &c.

CH. MAU. TALLEYRAND.

#### TRANSLATION.

*Note upon the 9th article of the Convention between France and the United States of the 14th November, 1788.*

The beginning of this article declares, “ that the consuls and vice consuls may cause to be arrested the captains, officers, mariners, sailors, and all other persons, being part of the crews of the vessels of their respective nations, who shall have deserted from the said vessels, in order to send them back and transport them out of the country. For which purpose the said consuls and vice consuls shall address themselves to the courts, judges and officers competent.” Before 1792 it frequently happened, that the judges acting under the authority of the individual states have pretended that they were incompetent. On the 14th April, 1792, an act of Congress declared, that the district judges, acting under the authority of the United States, should be *competent*. All the judges of the individual states have since thought themselves justified in declining to render their aid; but as there are many more ports in the United States than district judges, and as they do not even always reside at a port, the French consuls and vice consuls have often been unable to hinder desertion, to the great detriment of the vessels of their nation. The consuls of the United States do not experience those difficulties in the ports of the Republick. Reciprocity, as well as the meaning of the article, require that it should be declared, “ that all the officers of justice having power to order the arrest of mariners, shall be considered compe-



tent, and as such bound to comply with the request of the consuls, in the manner and in the cases stipulated."

The article proceeds, "and shall demand the said deserters in writing, proving by an exhibition of the registers of the vessel or ship's roll, that those men were part of the said crews."

The mariners have often waited till the departure of their vessel to desert. and have afterwards not only braved the authority of the consul, but served to debauch other crews. It has often been sufficient for them to go from one port to the nearest neighbouring port, to be secure from all pursuit. The consul being no longer able to produce the roll with ease, or not having it in his power to detach it from the vessel, where it should remain, is no longer admitted to make a claim. He in vain produces a copy of the roll made in chancery and duly authenticated: no faith is ascribed to it, notwithstanding the tenour of the first paragraph of the 5th article of the convention; it is maintained that the original roll is necessary; and thus the spirit of an important stipulation is destroyed, by the ambiguity attributed to the letter. It would be requisite to declare, "that by register or ship's roll, not only the original is understood, but every authentick copy or extract, certified to be conformable to the original, by a judge of the country, before the departure of the vessel, and that this extract or copy shall have, in all the ports of the respective powers, the same force with the original, for three months."

Paris, 9 Messidor, 6 year. The Minister of Exterior Relations.  
CH. MAU. TALLEYRAND.

#### No. 20.

*Mr. Gerry, to the Minister of Foreign Affairs of the French Republick. Paris, July 1, 1798.*

I HAVE received, citizen minister, on the 11th, your letter of the 9th Messidor, [27th of June;] but without an answer to mine of the 25th of June, or the documents therein demanded for my voyage to America. You say "they have furnished you from the United States with the most clear proofs, supported even by articles extracted from the American papers, of the knowledge which they had there

before Germinal [20th of March] of the objections of the executive directory to any negotiation with two of the envoys, and of its formal desire to treat with me." Admitting this, it does not prove to my mind, that the President of the United States had received official communications and concealed them; but it is a convincing proof, that the information of these facts must have been sent from hence to the United States, when secrecy respecting them, imposed on me previously to their communication, was strenuously insisted on.

You have made what you consider a generous proposition, that our communications should not be tinged with any more recriminations: is the subsequent part of your letter altogether free from them? My silence on the abuse offered to the government of the United States, its envoys in general, and myself in particular, in an anonymous, but apparently official publication of the 7th of June, must afford you unequivocal evidence that I had already adopted the measure you have proposed.

It is inconceivable to me, that being without powers to negotiate, my return to the United States, after such long notice, can be supposed in any degree to close the door to subsequent steps for a reconciliation. The door has always been, and still is open, on the part of the government of the United States. It is impossible for any government to exceed it, in the moderation and justice of its measures towards France, or in its perseverance and patience to execute them; but it having failed in two attempts, will not France make one effort to obtain a reconciliation between the two republics? Consider the disagreeable predicament in which the government of the United States has been involuntarily placed, and it is conceived you cannot fail to see the propriety and policy of this measure.

I have, in my last letter, stated to you truly what I conceived was well understood between us, respecting my return to the United States with the overtures of France, and her sending a minister there to complete the negotiation. How we could misunderstand each other on these points is to me incomprehensible. Be this as it may, it is not very material who is to be the bearer of the propositions, if they are such as can be accepted by the United States.

You inquire, whether I am not come to establish friendship between the two republics, and determined to spare

no pains to attain this desirable object? Judge, yourself, citizen minister, whether I have not faithfully discharged my duty in this respect.

You ask, whether I am not authorized to treat separately? Had my colleagues relinquished their office, been recalled, or by physical means been disqualified to act, my powers would have been adequate to a separate negotiation, and I would have entered on it without delay. As matters are circumstanced, I have no such powers. You differ from me in opinion on this subject, but I must abide by my own judgment.

You declare that France, superior to all resentment, and only listening to justice, manifests a zeal to conclude a treaty solid and mutually satisfactory. Be assured, citizen minister, that the United States will with ardour meet such a disposition on the part of France; and that it cannot fail of success, if accompanied with a suspension of the long and ruinous depredations on our commerce, and with proper arrangements for a negotiation.

In my last letter you will perceive, that having particularly referred to the mode adopted by the United States with other nations, I could only allude to that of deciding by commissioners, disputes which could not be adjusted by direct means. You have misconceived my intention, if you supposed it extended to the eventual arbitration of a third power.

My frequent applications for a passport, letter of safe conduct for the vessel, and her exemption from the embargo at Havre, have been altogether unnoticed. I hope you will not by the continuance of this unusual mode of conduct, render an explanation of it immediately necessary.

Accept, citizen minister, the assurances of my perfect respect.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

## No. 21.

## TRANSLATION.

*The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 18 Messidor, 6 year of the French Republick (July 6, 1798.)*

I HAVE received, sir, your answer of the 13th of this month, to my letter of the 9th. I will not conceal from you, that this kind of correspondence gives me the more pain as it injures the progress of our business.

It is clear that *before Germinal* (before 21st March) the intentions of the executive directory could not be known at Philadelphia, but by communication from Paris; but I attest, that they did not proceed either from the French government, or its agents, or from any one whatever to my knowledge.

In the mean time, let us admit the gratuitous supposition that you make upon this subject. Is it therefore less true, that my overtures to treat with you were known in the United States, when it was there declared that France refused all negotiation?

You tell me, that the United States having been twice baffled in their attempts, it belongs to France to make an effort in order to effect a reconciliation between the two republicks. What name therefore do you give to the indefatigable zeal which I manifest to smooth all the difficulties, and bring about an honourable accommodation? It is a genuine effort, sir, the merit of which might be better appreciated. What, on the other hand, are the two attempts of the United States? I know of no other mission on their part, in consequence of the declaration made at Philadelphia, on the 25th Brumaire, 5th year (Nov. 15, 1796) than that confided jointly and separately to Messrs. Pinckney, Marshall and yourself. I will not retrace the causes which have prevented the envoys collectively from attaining the most complete success: but I will affirm that they are foreign to the French government, and that in any state of the cause, it depends upon you to fulfil the expectation of the two countries.

You deny, sir, that there was some generosity on my part in proposing to you to banish hereafter, from our



communications, all useless episodes, and especially no longer to give a place in them to recriminations. This is another episode ; but, since you force me to it, it is necessary that I should explain myself more fully. If now and then some anonymous publications, of a nature disagreeable to the American government, have crept into the French papers, it would not become it to complain. For a long time, certain papers of the United States, the editor of one of which is the printer of the Senate, daily spread abroad the most atrocious calumnies, the most injurious insinuations, the most base reflections upon the French people, their institutions, their government, their legislators, the heads of their executive, their ministers, their agents, their glorious defenders. Yes, those same warriors, who respect their enemies, receive the most ignominious appellations among a friendly people for whom many have combated. Nay, more ; within the very walls of the national representation of the United States, how many deeply insulting speeches have been and yet are delivered. Nothing is spared in order to endeavour to degrade the French Republic in the opinion of the American people ; and the silence of your government leaves an open field to this torrent of invectives, whilst scarcely now and then a word of reply escapes, notwithstanding our vigilance, from the indignation of some French citizen. Is it not repeated in the United States, that the executive directory repels negotiations in order to wait an opportunity of carrying the war there ? This odious assertion has been credited ; and your government, which ought to know that such a thought was never conceived, opposes no corrective to the impression which it is calculated to make. Whatever may be your opinion of it, sir, it is generous to stifle all the sentiments which arise in abundance on reading your publick papers, and even the debates of your legislature upon the subject of France. And yet until the two governments shall be so far reconciled as to concert the means of remedying these abuses, it is expedient that those who are to treat upon the interest of the two nations adopt a conciliatory language, and hereafter avoid what may give rise to painful recollections. I repeat to you, that it is my desire ; that I will set the example ; that I am impatient to abjure re-

proaches ; and that I insist that this point may be well understood.

This is the last time I shall yield to these digressions, which ought to be as disagreeable to you as they are to me.

You have not transmitted to me any opinion, sir, upon the note annexed to my letter of the 9th of this month. I have delayed until now sending you the following ones. I flatter myself that the long conference which I have had with you, will have produced some modification of the resolution in which you might appear to persevere. I therefore recommend to your attention two fresh notes, one upon the twelfth article, and the other upon the sixteenth article of the convention of the 14th November, 1788. They contain every thing which it is important to explain at present, in relation to this act. We will immediately after proceed to the treaties of February, 1778. You desired that I might send you some propositions. I did so on the 30th Prairial (18th June) and you should have had them sooner, had it not been for the incident which has happened. I have therein traced the plan of the negotiation. I have therein pointed out generally the intentions of France ; I have therein entered into an engagement to discuss every proper subject ; I have assured you, that the executive directory would render to the United States that justice which it expects itself : I have excluded nothing which we can suggest on either side, to strengthen still more the good understanding between our two republicks.

But it is not enough to transmit these propositions to your government ; they are only the foundation of the necessary discussions upon every question of detail of which we ought to find the solution. The reconciling of the different points upon which we will have fixed our ideas, will form the act to be drawn up. I do not think that we could come to conclusions in any other manner. It even appears to me, that there will be an evident loss of time, if in the state of things, this discussion is adjourned. I have already given you to understand, that it would be inconvenient to give it in charge to a minister plenipotentiary at Philadelphia. Circumstances have rendered this inconvenience more important, and I will not conceal from you that I should fear fresh incidents.

I therefore urge you more pressingly than ever, sir, whilst I refer to what I have already written to you on this subject, to postpone your departure, and to attend quickly to the discussions which I urge. I know that you are not of the same opinion with me, with respect to the validity of your full powers; but reflect, that in any case, you can in nothing bind your government, which has reserved the right of ratifying.

I will add, that in the situation in which you stand, it is contrary to all usage to depart, without notifying that you have received an order therefor; that the usage on the contrary is, when a doubt is raised upon the full powers, the envoy waits the decision of his government, without breaking off the negotiation. Receive, sir, the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

#### TRANSLATION.

*Exterior Relations. Note upon the 12th article of the Convention between France and the United States, of the 14th November, 1783.*

THIS article has been executed in France in its literal meaning, and in its implicit meaning: That is to say, that all the differences between the citizens of the United States in France, have been left to the decision of their consuls, and that the sentences of the latter have been executed, when coercion was necessary, in the same manner and by the same officers of justice as the sentences of the French tribunals.

Nothing has been changed, in this respect, since the establishment of the republican form of government, notwithstanding the jealousy which is peculiar to it, and which the judiciary authorities of every country possess in general.

It has been judged, as to the literal meaning, that the jurisdiction given to the consuls of the United States over their countrymen, was not in any respect optional. The 12th article does not declare in effect that all the differences *may be* determined, &c. which would imply only a power in persons of the nation to sue before their consuls.

and a power in the latter to admit or decline. It declares formally that all differences *shall be* determined, &c. which implies a reciprocal obligation upon the persons of the nation and their consuls. This obligation is confirmed by the last paragraph, which pronounces an absolute interdiction upon the territorial officers, civil or military, to interfere in any manner whatever, and consequently obliges the persons of the nation to apply to their consuls, and the consuls to decide their differences.

It has been judged, as to the implied meaning, that the stipulation being express, mutual and guarantied by the publick faith, included within it the engagement to give it effect. It would have been ridiculous to put the citizens of the United States in France under the necessity of referring exclusively their differences to their consuls, and the necessity of taking them up, as the only competent judges, without intending the execution of the sentences. But this execution can proceed only from the territorial power which disposes of the force.

It has finally been judged, that this kind of jurisdiction was not in any respect repugnant to the local sovereignty, because its admission was mutually agreed upon; that it did not stand in competition with the French tribunals, because it did not embrace objects common to them: that it did not abridge the territorial rights, because it extended only to foreigners.

There has been no reciprocity on the part of the United States, wherein this question has been viewed under a different aspect; and the French government has constantly received complaints upon this subject. In 1792, attention seemed to be paid to the representations which it caused to be made. An act of Congress of the 14th April of that year, declares, "that in all cases wherein, by any article of the convention, the consuls of France are entitled to aid in the execution of any order, the marshals of the district courts of the United States, or their deputies, should be the officers competent, and should give their aid according to the tenour of the stipulations." The same act having provided, in the preceding paragraphs for the execution of the 7th and 9th articles of the convention, that which has been just cited, is applicable only to the 12th article, the last of the three which were



foreseen, and the only one wherein an order might be issued. But soon afterwards the officers designated eluded this provision.

Since that time some courts in the United States have declared that they would not take cognizance of actions at law between Frenchmen. These actions have been sustained in other courts, notwithstanding the remonstrances of the defendants. On the other hand the consuls of the Republick decided in vain upon the differences submitted to their judgment. One while the justice of the country was refused by arguing from the tenour of the 12th article, at another time the consular jurisdiction was palsied by arguing from its pretended silence, and sometimes it was entirely forgotten.

It is of pressing importance to put an end to these uncertainties, which are discouraging to the French merchants, and embarrassing to their government, whose protection they claim.

The 12th article of the convention between France and the United States, gives to the consuls a judiciary authority over their countrymen, to the exclusion of the respective tribunals. This authority is not optional ; it does not derogate from the rights of sovereignty of either republick ; it is founded on a reciprocal agreement ; it is conformable with the principles asserted by the most enlightened writers upon publick law ; it meets with no opposition in France, and it ought to be faithfully facilitated in the United States.

The French government will not insist upon a particular mode of executing the sentences of the consuls in the United States. It asks only the express recognition of the implied meaning of the 12th article, and a promise to provide for it fully at the next session of Congress, in the manner most consonant with the forms used in the country.

*Paris, 18th Messidor, 6th year. (July 6, 1798.)*

The Minister of Exterior Relations.

CH. MAU. TALLEYRAND.

## TRANSLATION.

*Exterior Relations. Note upon the 16th article of the Convention between France and the United States, of the 14th November, 1788, and general observations.*

THIS article declares that the convention shall be fully and completely executed during the space of twelve years, to be reckoned from the day of the exchange of the ratifications.

The exchange took place in January 1790, and the term appointed will expire in January 1802.

It will be proper before that period, to set about the revision of the convention. Many articles require it. The French Republick will show itself less jealous of the privileges of the consuls, than of the stipulations useful to its merchants and navigators. The United States will doubtless be guided by the same laudable views. Two republicks will the more readily agree on this subject, as they are founded upon the same principles.

But it is possible that on the one side or the other the parties may not be prepared at the time fixed for the intended negotiation; that more experience may be desired: or that they may not even agree as to the best system to be adopted. The French government proposes, that it be declared, "that on account of the events which have prevented a judgment upon the effect of the present convention, it shall be prolonged for six years after the expiration of the twelve first years, if it be not renewed in the interval."

The French government also proposes, "that in all quotations of any article of the convention, the denomination of *French citizen* be substituted for that of *subject*; and the words *French Republick* be placed in the stead of *most christian king, most christian majesty*."

Paris, 18 Messidor, 6 year. (July 6, 1798.)

The Minister of Exterior Relations.

CH. MAU. TALLEYRAND.

## No. 22.

*Mr. Gerry to the Minister of Foreign Affairs of the French Republick. Paris, July 10, 1798.*

CITIZEN MINISTER,—I received, on the 9th instant, your letter of the 6th, being the 18th Messidor, and shall briefly reply to it.

You inform me that the communication of the intentions of the executive directory, sent to Philadelphia before Germinal, the 20th of March, did not proceed from the French government, its agents, or any person whatever to your knowledge: and I affirm that it did not directly or indirectly proceed from me.

The rumour then must have been vague, and could not have merited the attention of the President of the United States; much less could it have authorized his formal communication thereof to Congress.

The two attempts of the United States to obtain a reconciliation between the republicks, to which I referred in my last, were those of the mission of a minister to efface unfavourable impressions, banish suspicions and restore cordiality between them, and afterwards of the three envoys, whose powers were more extensive. I made no allusion to your conduct; and with respect to my own, have done every thing incumbent on me.

You complain that certain newspapers of the United States, one of which has for its editor the printer of the Senate, calumniate daily the French people, their institutions, government, legislators, and others. The envoys in their letter to yourself, of the 3d of April, have discussed this subject so fully as to leave nothing further necessary to be said thereon.

You also complain of some speeches of the national representation of the United States, degrading the French Republick in the opinion of the American people, and of the silence of our government thereon. The constitution of the United States expressly provides, that the senators and representatives, for any speech or debate in either house, shall not be questioned in any other place. So essential is the freedom of debate to each house, as to be sacredly preserved by the constitution, and to be above the control of every other department of government.

The government of the United States, on their part, pay no regard to offensive speeches in foreign legislatures; well knowing that however amicably disposed governments may be towards each other, such a mode of conduct must be productive of perpetual sources of discord between them.

And now having replied, citizen minister, to your observations, on these subjects, I assure you, that nothing can be more disagreeable to me than such discussions. I did not give rise to them, and here I shall terminate them.

On the 27th of June, about six weeks after I had demanded my passport, and when my baggage was on board the *Sophia*, you sent me a note containing some remarks on the consular convention, and expected a formal discussion of them; to this, without powers, I should not have consented at any time; I have repeatedly refused it, and must adhere to my determination.

You conclude by observing, that in my situation, which is that of an unaccredited minister, it is contrary to all usages to depart without notifying that I have received orders therefor; and that on the contrary it is customary when a doubt arises upon full powers, to wait the decision of the government of which one is the envoy without breaking the negotiation. On my part there has been no doubt of a want of powers, and there has not been any negotiation; there cannot then be a rupture of it by my departure. I am to judge of the necessity of demanding my passport. I now renew my demand of it, and the other documents necessary for the voyage, and request a definite answer.

Accept, citizen minister, the assurances of my perfect consideration.

E. GERRY.

To the Minister of Foreign Affairs }  
of the French Republic. }



## No. 23.

## MINISTRY OF EXTERIOR RELATIONS.

*The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States. Paris, 24 Messidor, 6 year of the French Republick, (July 12, 1798.)*

As long as I could flatter myself, sir, with fulfilling the wish of the executive directory, by endeavouring with you to re-establish the good understanding between the French Republick and the United States, I used my efforts, both in our conferences and in my correspondence with you, to smooth the paths, to establish the basis, to enter on the business, and to convince you of the utility of your presence at Paris. It is in your character of envoy of the American government that I received you and wrote to you: it depended upon yourself to be publicly received by the executive directory. Without partaking in your opinion with respect to the change which the departure of Messrs. Pinckney and Marshall might produce in the full powers, wherein I have read that you have been authorized to treat *separately*; it appeared to me that in the hypothesis even in which you placed yourself, you ought to refer the question to your government, and in the interval fix with me, by a calm and friendly discussion, all the questionable points of our differences.

This proceeding was the more natural, as setting aside the premature knowledge which your government had of the offer to treat with you, after the departure of your colleagues, my note of the 28 Ventose [18th March] which must have reached Philadelphia about the end of Floreal, [May 19th] left no more doubt upon this subject. It comprehends three objects perfectly distinct. It begins by rectifying, with the dignity which becomes the French government, the statement of grievances of the United States, drawn up by their envoys in the inverted order of facts, on the 28 Nivose preceding, [17 January.] It next points out the reasons which prevented the negotiation from being carried on with the envoys collectively. It finally declares solemnly the conciliatory dispositions of the executive directory, its express desire of renewing between the two countries the ties of their former friendship, and the intention to treat with you. A declaration so

explicit was made only to furnish the President of the United States with an infallible means of accommodation. It was a pledge of peace that might be taken up. I presumed you could not be long in receiving analogous instructions, and even other powers, if they were necessary ; or that at least if you had announced to the President a wish to return to America, another envoy would come to consummate the happy work, which we should have had the satisfaction to prepare.

With such well grounded hopes were mingled considerations upon the inconveniences of your departure. I have given you to understand, that notwithstanding the assurances you have given me, nobody would believe that it was owing solely to your inclination, to a thorough conviction of the invalidity of your powers, or to a wish to see the care of the negotiation confided to other hands. I have conversed with you respecting the conjectures which it would give rise to ; on the means it would furnish the British cabinet, which spares nothing to draw France and the United States to extremities, from which it calculates to derive the sole profit ; and on the suspicions even which the French government would be made to conceive. I endeavoured to make you see into its possible consequences. The happening of several circumstances has already retarded the reconciliation of the two republicks. It may be permitted to him, who sincerely wishes for peace, to fear new ones. These views, for which I shall ever honour myself, induced me to resist, as much as I could, the desire you manifested of quitting France. You decisively insist upon it in your letter of the 22d of this month, [10th July.] The executive directory has consequently authorized me to send you the passports which you request, for yourself and the vessel which awaits you at Havre. You will find them enclosed.

May your return to the United States and the communication of what has passed between us, since you have solely represented your government, remove there the injurious opinion of hostile intentions on the part of France : you have often repeated to me, since you pressed your departure, that if you could not treat here as an envoy, your good offices in the United States should not be spared as a citizen. You have it not in your power to render to the two countries a more signal service, than by contributing

to make their political and commercial relations accord with their inclination and interest. Assure your government that the executive directory perseveres in the intention of conciliating with sincerity the differences which have arisen between the French Republick and the United States, as soon as an opportunity for that purpose shall be sincerely presented. If it be really true, that the dispositions of your government correspond therewith, let it give a proof of it, and you may answer beforehand for the success.

You cannot dissemble, sir, that if nothing prevented you from pursuing with me the examining and reconciling of the grievances which divide the two countries, we should not long stand in need of any thing but the respective ratifications.

Who will doubt of the sincerity of the French government, when it shall be known, that for nearly three months every pressing solicitation came from me, and that faithful to the engagements I have made in my note of the 28 Ventose, [18th March] I have been the first seriously to press the negotiation after the departure of Messrs. Pinckney and Marshall? It will not be said, I hope, that the refusal to treat with them, is a refusal of conciliation, because this refusal was accompanied with a promise to treat with you, and your full powers presented you as separately authorized.

I shall incessantly appeal to that document, because it is the foundation of the opinion which the government must have formed; and even admitting that you were tied down by secret restrictions, I could not in my mind oppose what I did not know, on account of the credence due to the ostensible power.

Yes, sir, when scarcely informed of the departure of Messrs. Pinckney and Marshall, I endeavoured in every conference I afterwards had with you, to demonstrate to you the urgency, the propriety and the possibility of an active negotiation. I collected your ideas; they differed from my own; I endeavoured to reconcile them, and I was about to transmit some propositions, to you, when a packet from your government arrived at Havre. You then appeared to be preparing to depart. Until then I never supposed you entertained the design of embarking before we had come to an agreement upon the definitive articles.

to be ratified by your government. A few days afterwards I received some despatches from Philadelphia, the contents of which for a moment gave a new course to my correspondence with you. On the 22d Prairial, [10th June] I notified you that the dispositions of the executive directory were the same, and I prayed you to inform me, whether you were finally in a situation to negotiate. On the 30th Prairial, [18th June] I transmitted to you a complete plan of the negotiations. On the 9 Messidor, [27th June] I sent you my first note for discussion upon one of the points of our treaties, which are unexecuted in the United States. You declined answering it. It is necessary however to be agreed upon the details in order to arrive at the conclusions. On the 18 Messidor [6th July] I sent you two others. In vain I accompanied these documents with the most cordial invitation rapidly to run over with me this series of indispensable discussions upon all our grievances. You have not even given me an opportunity of proving what liberality the executive directory would use on the occasion. You never wrote in fact but for your departure. And it is the French Republick, which is accused in the United States with not wishing for peace! Perfidious instigators will insinuate that it never wished it. I will therefore ascend to the period when the first symptoms of discontent manifested themselves, that is to say, to the arrival of the minister Genet at Philadelphia in Prairial of the 1st year. An universal joy burst forth in the United States at the declarations he was charged to make. He then expressed the friendly and generous intentions of the French government, which, powerful in the national energy, forbore to claim aid from its allies. Some of his measures soon afterwards gave umbrage. They were the effect of a zeal badly adapted to local circumstances, and unfortunately still worse interpreted. The President caused his complaints concerning them to be made in France at the close of the same year. The committee of publick safety immediately rendered satisfaction; and other agents arrived at Philadelphia in the beginning of Ventose, 2d year: their instructions will bear the utmost publicity: not to interfere in any party matter, to respect the government, to prompt it to maintain its neutrality with vigour, to repress all armaments which might endanger it to maintain the rights secured to France by its treaties:—



such is the substance of them : such also were the instructions given to the minister Adet, who succeeded them in the 3d year. Surely nothing can be more pacifick. Nevertheless the rights of France are insensibly forgotten ; the most important clauses of its treaties are rendered insignificant : its vessels experience the most discouraging vexations ; England sports with impunity with the neutrality of the United States, which to France, who is too confident in it, becomes a source of loss. A transaction clandestinely negotiated ends by consecrating, to the detriment of a friendly nation, the pretensions of its implacable enemy. After that time nothing has passed between the American government which the representations thwart, and the ministers plenipotentiary of the Republick, who could not avoid making them, but a correspondence gradually increasing in asperity. The French government never interferes in them : it reposes upon the hope, that their own interest would lead the United States to perceive, that England was drawing them within its vortex. Far from taking an hostile attitude, it affects indifference in order to show itself patient with dignity. The crowd of complaints which it receives obliges it finally to change this line of conduct. It causes its grievances to be declared on the 25th Brumaire, 5th year, [Nov. 15, 1796] and in order to produce a negotiation, too long delayed, it draws from the treaties of Paris and of London the most suitable means of hastening it. It is animated by no view of aggression, by no hostile intention. In order to obtain from the United States some degree of justice, it places them in a situation to be obliged to demand an arrangement themselves. Let us now see whether it has rejected any honourable propositions.

Mr. Pinckney had departed before the declaration of the 25 Brumaire [Nov. 15, 1796] which suspended the customary relations. He came to succeed Mr. Monroe, and like him, to explain and palliate the conduct of the United States, without any special power for the negotiation demanded by France. He could not be received, because he was not in a situation to fulfil the conditions required, upon the resumption of political connections. The President of the United States thought it his duty to call an extraordinary meeting of the legislature. I shall not review the opening speech, nor the turn, which the de-

bates took in that session. But I will say, that the impression, which resulted therefrom, at Paris, was unfavourable previous to the arrival of the envoys; that this circumstance alone raised an obstacle, which ought to have been foreseen at Philadelphia; that the envoys themselves, unwilling to comprehend the natural effect of this kind of provocation, have contributed to render the impression more durable. It has finally however yielded to the primitive desire of a sincere reconciliation. You find a proof of it in the very expedient suggested of treating with you separately; for a government hostilely disposed would not have taken the delicate course, which guards its honour and fulfils its pacifick intentions.

You have given me to understand, sir, that it would have been well had the executive directory supported the declarations which I have made to you in its name, by a change in the measures which affect the commerce of the United States.

I might answer you, that your government might have also secured its object by restoring at first the French Republick to the rights which flow from its treaties. But let us exact less rigidly and be more equitable towards each other. Although the measures of France are no more than the consequence of those of the United States, you must have remarked, that in my propositions of the 30th Prairial (18th June) the intention of the executive directory is, that the respective pretensions may be collaterally examined and adjusted. It intends to place, in a single act, a durable monument of the future friendship of the two republicks, and the justice which they owe to each other, and no idea of false glory enters its mind. On taking leave of you, sir, I have supposed that I owed you a testimony of my esteem: it consists altogether in the unreservedness with which I have just spoken to you, and in the expression of the regret which your departure, under the present circumstances, gives me.

Receive the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

*P. S. of the 27 Messidor, (July 15, 1798.)*

A CIRCUMSTANCE, sir, of infinite importance has delayed the despatching of this letter. I do not know how it

happens 'that at every step towards a reconciliation, a cause of irritation intervenes, and that the United States always give rise to it. Some days since different advices were successively received by the executive directory. It seems that hurried beyond every limit, your government no longer preserves appearances. A law of the 7th of last month authorizes it to cause every French vessel of war to be attacked which may have stopped or *intended* to stop American vessels. A resolution of the House of Representatives suspends from the 13th of this month all commercial relations with the French Republick and its possessions. Several plans of a law have been proposed for banishing the French and sequestrating French property.

The long suffering of the executive directory is about to manifest itself in the most unquestionable manner. Perfidy will no longer be able to throw a veil over the pacifick dispositions, which it has never ceased to manifest.

It is at the very moment of this fresh provocation, which would appear to leave no honourable choice but war, that it confirms the assurances which I have given you on its behalf. In the present crisis, it confines itself to a measure of security and self preservation, by laying a temporary embargo on American vessels, with a reserve of indemnities if there be occasion for them. It is yet ready, it is as much disposed as ever, to terminate by a candid negotiation the differences which subsist between the two countries. Such is its repugnance to consider the United States as enemies, that notwithstanding their hostile demonstrations, it means to wait until it be irresistibly forced to it by real hostilities.

Since you will depart, sir, hasten at least to transmit to your government this solemn declaration.

CH. MAU. TALLEYRAND.

No. 24.

*Paris, July 20, 1798.*

CITIZEN MINISTER,—I received, on the 27th Messidor, [15th July] your letter of the 24th, [the 12th of July] on which permit me to make some observations.

You allege that, in the United States, the French Republick is accused of not wishing for peace, and to show

that it was always desirous thereof, you recur to the arrival of Mr. Genet in America. Far from accusations of any kind, I wish to cultivate harmony between the two governments, as the solid basis of peace. From that epoch, to the departure from the United States of Mr. Adet, the correspondence of the Secretaries of State of the United States, with the French ministers in America, and the American ministers in France, contains the history to that time, of the unhappy differences between the two republicks, and evinces the sincere desire of the government of the United States, amidst the inevitable embarrassments resulting from the convulsive state of Europe, to preserve harmony and friendship with the French Republick, and to perform with scrupulous attention the duties of neutrality. If, by any unfortunate events, France had sustained injuries during that term, still the manifest disposition of the government of the United States to justice and moderation, was a sure pledge of redress.

When Mr. Monroe was recalled, a minister was sent to supply his place, and you say, "he could not be received, because he was not in a situation to fulfil the conditions necessary for the renewal of the political connections." Had he been received, he could have applied for other powers if necessary: nothing is more usual. The application, which you have so strenuously urged on my part, must have been for the renewal of powers annulled by the act of sending away the other envoys: surely then your arguments would have applied with much more force to the case of a minister, whose powers were only supposed inadequate to the objects of his mission. The act of rejecting this minister, accompanied with circumstances of high displeasure on the part of the government of the French Republick, could not fail to wound deeply the government of the United States, and to produce observations on such an important event. Let the cause and effect be buried in oblivion: the remembrance thereof cannot promote harmony. This you will readily accede to, when you consider the amicable and attentive conduct immediately adopted by the American government, in sending three envoys extraordinary with adequate powers to effect a reconciliation and a renewal of a commercial intercourse between the republicks.



From the arrival of the envoys at Paris to the departure of two of them, the objects of their mission were defeated, by insuperable bars arising from demands of loans, which, violating the neutrality of the United States, would have involved them in immediate war, and of procuring reparations for the observations hinted at. Towards the end of that period, after imposing on me secrecy, you stated the embarrassments and dissatisfaction of the executive directory, on account of the opinions and conversations of my colleagues, its determination not to treat with them, and its desire to negotiate with me; and you added, that my departure would produce an immediate rupture. Astonished as I was at this communication, I informed you that I had no powers to treat separately; the measure was impossible; and that had my powers been adequate, a treaty made under such circumstances could never be ratified by my government. You differed from me; we reasoned on the subject, and each adhered to his opinion. I urged in vain, the unreasonableness of admitting prejudices against my colleagues, without informing them of the causes thereof; the good effect in removing these, which might result from such information, and the necessity of making known to them, all that had now passed between us. You held me to the promise of secrecy, adding, that if I would negotiate, we could soon finish a treaty; for the executive directory were not in the habit of spending much time about such matters. You desired another interview, in which, after a discussion of the subject, I confirmed and adhered to my determination. In this state affairs remained for some time, and I flattered myself with the hope, that failing in the proposition for negotiating with me separately, your next would be to accredit the three envoys; in such an event the secrecy mentioned would have been proper. This expectation was strengthened by the two subsequent interviews, which they had with you; and you may judge of my surprise on the receipt of your letter of the 23th Ventose, [18th March] containing a refusal to treat with two of the envoys, and renewing the proposition to treat with me. Finding that I was the person alluded to, and that all hopes of our being jointly accredited were at an end, I again refused in the most positive terms, to negotiate separately: another proposition was then made, that to pre-

vent a rupture, I should remain here till information could be sent to my government of the events. Embarrassing as such a state was, I submitted to it, rather than to bring on a war. You afterwards sent me your note of the 14th Germinal, [3d April] proposing that I should resume our reciprocal communications upon the interests of the French Republic and the United States. To this I replied on the 4th of April, "that I could only confer informally and unaccredited, on any subject respecting our mission, and communicate to the government of the United States the result of such conferences; being in my individual capacity, unauthorized to give them an official stamp." The day after the departure from Paris of the last of my colleagues, I again addressed you, and quoting the above paragraph, informed you, that this I considered as the line of conduct well understood to be observed on my part; to this you made no objection, verbally or by writing, and thus acquiesced in it. Had you not, I should have immediately demanded my passport.

At one of our first interviews, after that letter, you stated a difficulty in adopting the plan proposed by my letter of the 20th of April, from your not being informed of the wishes of the government of the United States, in regard to a treaty: these were so reasonable that I thought it best to communicate them to you; and according to your own opinion, since expressed, they would require little or no time for discussion: nothing can exceed them for moderation or justice. Believing that you was seriously disposed to bring forward the plan of a treaty, for the consideration of the government of the United States, and being also convinced, that the subject thereof had been so fully discussed, and was so well understood, as not to require much time to accomplish it, I informed you, that I should embark for America in June; and although you objected to it in the first instance, you afterwards appeared to be fully convinced of the necessity of it, promised to digest the plan proposed without delay, and to send it to me for examination. I conferred with you at different times, on the expediency of sending a minister to Philadelphia to complete the negotiation; and you promised to consider of it. At length the Sophia arrived, and a few days afterwards, you informed me, that I might make myself quite easy, that France did not wish

a war with the United States, that she had no thoughts of it, that the American affairs were before the executive directory, and that every thing would be arranged to my wishes. I again stated the necessity of sending a minister to America to complete the negotiation. You said you would propose one to the executive directory. This I could not suppose was for the purpose you have since stated of residing there after the ratification of the treaty.

Thus were matters circumstanced until the arrival of the gazettes, containing the despatches of the envoys to their government, which gave more than a momentary turn to your correspondence with me. When I informed you that I should embark in the *Sophia*, as soon as she could be fitted for sea, there was still time to finish the plan of the treaty, and to send it by me, if expedient. You desired me to remain here; I told you my return was indispensable, and gave you no other reason. I thought that sufficient. You conceive it depended on me to be publicly received by the executive directory; but our opinions are different on this point. A government sends three envoys to treat with another government; this rejects two of them, and proposes to treat with the third. Candour must admit, I think, that the latter cannot accept the proposal, without transferring in this instance the executive authority of his government, who would only have *nominated* three envoys, to the foreign government, who would have *appointed* one of them. You say, that if my powers were altered by the departure of my colleagues, yet on my own hypothesis, I ought to have referred the question to my government, and in the interim to have fixed with you, by a calm and amicable discussion, all the contentious points of our differences. If my government, as you repeatedly have asserted, was apprized before the 20th of March of the proposition to treat with me separately, it is evident, that it was not disposed to send me new powers; for the *Sophia* sailed on the 28th of that month, and knowing this you still urged me to make the application. I have been always ready, and had you come forward with the project of a treaty, would have entered into a calm and amicable conference with you on every part of it; but not into a formal epistolary discussion, which was not proposed till some time after I was ready to embark, was only relative to the consular con-



vention, which will soon expire, was contrary to my stipulation relative to conferences, in which you acquiesced, and would have required months to be completed.

You was the first, you affirm, to press seriously the negotiation: you will agree with me, that the merit would have been *greater*, had the measure itself been *feasible*.

You frequently remind me of your exertions which I am disposed as much as possible to appreciate, regretting at the same time their circuitous direction. On my part, I think you will be convinced, that every thing has been done which circumstances herein truly detailed, would admit.

It is with pleasure I learn, that the executive directory is still ready, and is as much disposed as ever to terminate by a liberal negotiation the differences, which subsist between the two countries.

This disposition has always existed on the part of the government of the United States. A negotiation then if set on foot free from all propositions of loans and explanations of speeches, to be held if necessary in a city of some neutral nation, and providing for a decision by three or five commissioners of all points which may not be determined by direct negotiation, would still be accompanied, in my opinion, with success: but having no authority I cannot make the proposition. A preliminary measure appears to be requisite, in which the dignity of this government is as deeply concerned, as the interest of the United States. The depredations, outrages and cruelties committed on our commerce and citizens, in the West Indies and on our coasts, by French privateers, some of which it is said have no commissions, are perhaps seldom paralleled amongst civilized nations. It is said, that this government has not been early apprized of these events, which have been a great source of irritation in the United States, and a principal cause of the repressive measures adopted by them. A recall of the commissions of the privateers and restraining them by severe penalties to the proper objects of capture, cannot fail to have a happy effect.

You claim a promise of my good offices, as a private citizen in America. These shall not be wanting, to represent truly every measure of this government, and to render successful all such as may be well adapted to effect



a reconciliation. This is all that can be expected of me, and the duty which I owe to my country will require it.

And now, citizen minister, having given you a testimony of my esteem, such as results from a frank and candid conduct, I bid you adieu, wishing sincerely a speedy renewal of amity and commerce between the two republics. Accept, citizen minister, the assurances of my perfect consideration.

E. GERRY.

To the Minister of Foreign Affairs  
of the French Republick.

No. 25.

# TRANSLATION.

LIBERTY.

EQUALITY.

*The Minister of Exterior Relations to Mr. Gerry, Envoy of the United States. Paris, 4 Thermidor, 6 year of the French Republick, one and indivisible, (July 22, 1798.)*

ALLOW me, sir, to confine myself to the two last paragraphs of your answer of the 2d of this month to my letter of the 24th Messidor, [July 12.] Easy as it may be to rectify those which go before, it would be to enter uselessly into the circle of digressions. It is my duty to feel what in the state of things you think due to your government; and this consideration would be alone sufficient to stop me, if I set a less value upon conciliation.

You repeat to me that the government of the United States has always been disposed to terminate amicably the differences which subsist between the two republics. This fresh assurance, at a time when hostile demonstrations have just been made, could not but temper their effect. But let then a frank, candid, and truly amicable act speedily realize those dispositions. Far from entering into the answers of the President to the addresses which have been presented to him from different parts of the United States, whatsoever they may be, I would fain behold in his expressions nothing but a political expedient. I do not thence judge less favourably of the true intentions, which you profess in his name, and I would

not have engaged you to warrant the success of the first proof, which he will render of them, if the executive directory, which was ready to receive you, had not made a fixed determination upon the subject. A negotiation may therefore be resumed even at Paris, where I flatter myself you have observed nothing but testimonies of esteem, and where every envoy who shall unite your advantages cannot fail to be well received. Moreover, I know not, sir, why you tell me that it would be requisite to lop from this negotiation every preliminary respecting a loan, and explanations on the subject of the speeches delivered. Be pleased to read over again the propositions which I transmitted to you on the 30th Prairial, [June 18 ;] they contain all the ideas of the French government ; and you will not find in them a word which justifies your recurring to those two questions. An odious intrigue had got possession of them : the dignity of the French government could not permit this mixture ; and it did not wish that views as pure as its own should be associated therewith hereafter. As to the preliminary measures, which you suggest, sir, the government has already anticipated your desire. By information which it has just received, it indeed learns that violences have been committed upon the commerce and citizens of the United States in the West Indies, and on their coasts. Do it the justice to believe, that it needs only to know the facts, to disavow all acts contrary to the laws of the Republick and its own decrees. A remedy is preparing for it, and orders will soon arrive in the West Indies calculated to cause every thing to return within its just limits, until an amicable arrangement between France and the United States, shall re-establish them respectively in the enjoyment of their treaties.

This period, sir, cannot be too near at hand. I do not cease to regret, that you should refuse yourself the accelerating of it, by yielding to circumstances, persuaded as I ever am, that you were fully authorized.

Accept my wishes for your happy passage, and the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

## No. 26.

*Paris, July 25, 1798†*

MR. GERRY having seen in the Redacteur of this morning, the publication of a letter to him from the minister of foreign affairs of the French Republick, dated the 24th Messidor, (12th of July) requests him to order a just translation of the answer dated the 20th of July, to be also published. Mr. G. being on the eve of his departure from Paris, presumes the minister will readily comply herewith, to prevent partial and undue impressions against him in his absence.

## No. 27.

## TRANSLATION.

## LIBERTY.

## EQUALITY.

*Exterior Relations. Paris, 16 Thermidor, 6 year of the French Republick, one and indivisible, (August 3, 1798.)*

The Minister of Exterior Relations, to Mr. Gerry, Envoy of the United States.

PRESUMING, sir, that you have not yet embarked, I address to you a decree of the executive directory, wherein you will find a part of the measures, which I announced to you the fourth of this month. Its solicitude will not be confined to that. Neutrals, in general, will have reason soon to be convinced of its firm attachment to the principles to which it is desirous that all the maritime nations might agree. It depends upon the United States in particular, to cause every misunderstanding immediately to disappear between them and the French Republick.

Accept, sir, the assurance of my perfect consideration.

CH. MAU. TALLEYRAND.

## No. 28.

*Havre, August 3, 1798.*

AT the moment of my embarkation, citizen minister, I have the honour of receiving your letter of the 16th Thermidor, [3d August] with the arrêté of the executive directory of the 13th. both of which shall be communicated to the Supreme Executive of the United States, immediately after my arrival there. Accept, citizen minister, the assurance of my perfect respect.

E. GERRY.

To the Minister of Foreign Affairs }  
of the French Republick. }

## No. 29.

## TRANSLATION.

*Extract from the Registers of the Deliberations of the Executive Directory. Paris, the 13th Thermidor, 6 year of the French Republick, (July 31, 1798.)*

THE executive directory having heard the report of the minister of marine and the colonies ;

Considering that information recently received from the French colonies and the continent of America leave no room to doubt, that French cruisers, or such as call themselves French, have infringed the laws of the Republick relative to cruising and prizes ;

Considering that foreigners and pirates have abused the latitude allowed at Cayenne, and in the West Indian Islands, to vessels fitted out for cruising or for war and commerce, in order to cover with the French flag their extortions, and the violation of the respect due to the law of nations, and to the persons and property of allies and neutrals ;

Decrees :—

Art. 1. Hereafter no letters of marque, authorizations or permissions to fit out vessels either for cruising, or for war and commerce, shall be issued in the colonies of America, but by the special agents of the directory themselves, who shall not delegate that power to any one : they shall exer-



cise it only in favour of owners of vessels whose principles and responsibility are well known to them; and they shall be bound to conform themselves to all the laws relative to cruising and prizes, and especially to those of the 1st October, 1793, (O. S.)

Art. II. All letters of marque, authorizations or permissions granted in the colonies of America by the particular agents of the executive directory, and all other agents civil and military, under their orders, to fit out vessels either for cruising, or for war and commerce, shall be considered as not having been done, after the thirtieth day from the publication of the present decree in the said colonies.

Art. III. All agents and other deputies in the neutral possessions, appointed to decide there upon the validity of prizes taken by the French cruisers, and who shall be suspected of having a direct or indirect interest in the vessels fitted out for cruising or for war and commerce, shall be immediately recalled.

Art. IV. The special agents of the executive directory at Cayenne, Saint Domingo and Guadaloupe, shall studiously take care that the interests and property of vessels belonging to neutrals or allies, be scrupulously respected, and they shall in no case bargain for their cargoes, but by mutual consent and to the full and entire satisfaction of the contracting parties.

Art. V. The said special agents of the executive directory, the commanders of all vessels of the Republick, the consuls, vice consuls, and all others invested with powers for that purpose, shall cause to be arrested and punished, conformably to the laws, all those who shall contravene the provisions of the present decree, which shall be printed in the bulletin of the laws, and with the execution of which the ministers of foreign relations and of the marine and the colonies are charged.

For a true copy, as the President of the Executive Directory,

MERLIN.

By the Executive Directory, as the Secretary General,

TREILHARD.

For a true copy,

The Minister of Exterior Relations,

CH. MAU. TALLEYRAND.

By the Minister,—The Secretary General,

[L. S.]

PAGANES.

## No. 30.

*Paris, June 9, 1798.*

SIR,—In your letter to the minister of foreign affairs of the 13th Prairial, published in the *Bien Informé* of this day, you have deviated in some points, not very material, from the statement communicated by the envoys of the government of the United States respecting a conference which I had with the minister aforesaid on the 22d of October last, viz. that I requested the interview, instead of the minister, and that I met him twice on this communication, whereas I saw him but once. I wish therefore you would revise the statement referred to, and inform me, whether it is not to the best of your memory literally true; it is precisely the same, without changing a word, which we communicated to my colleagues.

I am, sir, &amp;c.

E. GERRY.

Mr. Hauteval.

## No. 31.

## TRANSLATION.

*Paris, the 22d Prairial, 6th year, (June 10, 1798.)*

SIR,—I have received the letter which you did me the honour to write to me yesterday, relative to that which I deemed it my duty to write to the minister of exterior relations, on the 13th of this month, and which the government caused to be printed.

It is not at all astonishing that my memory may not have served me with precision upon a subject which passed more than six months ago, and of which I have not taken notes. I undertook merely to repeat with exactness the essential heads, which I believe I have done.

I indeed recollect, that having been together at the minister's, and not having met with him, I left our names with his porter; that having returned there the next day alone, he expressed to me his regret at not having been at home, when you called there the day before, and charged me to tell you that he would receive you with a great deal of pleasure on a day he assigned to me: the appoint-

ment therefore proceeded from the minister, and not from your request, as I have said in my letter; but the matter appears to me to be of little consequence.

The second error which you remind me of having committed is that of having separated into two conferences, what passed in one. On every occasion, when I have had the pleasure to see the minister, I have always conversed with him on matters relating to the negotiations with the United States of America, the success of which, I have never ceased anxiously to desire. In my letter, I might be mistaken in some details; but you, sir, could not, having immediately taken a written note of what had just passed between the minister, yourself, and me. I regret that I had not the pleasure to see you before I transmitted my letter to the minister: by communicating it to you I should have rectified the two slight errors which crept into it; but I was constrained by the occasion, and was very far from thinking that it would be printed.

I shall ever be anxious to render homage to the truth, and to seize occasions of assuring you of my respectful attachment.

I have the honour to be, &c.

L. HAUTEVAL.

To Mr. Gerry, Envoy of the United States  
of America, Rue de Vaugirard, Paris.

No. 32.

*Paris, July 16, 1798.*

DEAR SIR,—Some part of the last instructions of the Secretary of State of the United States to the envoys, and to Mr. Humphreys, who brought the despatches, induces me to think, that in the precarious state of our affairs with France, you may have conditional instructions, which may require particular information of what respects the existing state of affairs here. I have therefore thought it best to enclose in the most perfect confidence, by my secretary Mr. Tazewell, the documents necessary to attain this object, and contained in the schedule annexed, for your use only. If you have not received such instructions, your prudence will dictate the necessity of observ-

ing the most profound secrecy, pending any subsequent measures which may take place for restoring friendship between the two republicks.

I shall leave Paris for Havre as soon as possible, and expect on my arrival there, to embark immediately for the United States.

Be assured that I remain, &c.

E. GERRY.

Mr. King, Minister Plenipotentiary  
of the United States at London.

*Schedule enclosed in a Letter to Mr. King.*

Letters from Mr. Gerry to the  
Minister of Foreign Affairs.

No.	1.	April	4
	2.		20
	3.	May	31
	4.	June	3
	5.		10
	6.		13
	7.		22
	8.	July	1
	9.		10
	10.		20

To Mr. Pickering.

No.	1.	May	12
	2.		13

Letters from the Minister  
to Mr. Gerry.

No.	1.	Germinal	14	April	3
	2.	Prairial	11	May	30
	3.		13	June	1
	4.		22		10
	5.		30		18
	6.	Messidor	9		27
	7.		18	July	6
	8.		24		12
	9.	Thermidor	4		22

No. 33.

EXTRACT of Mr. Gerry's letter to doctor Tazewell, as far as it relates to Mr. King, minister of the United States at London.

*Mignon, July 27, 1798.*

DEAR SIR,—The despatches for Mr. King are to be delivered to him by yourself; in the interim, you will please not to let them be put out of your possession or communicated to any one.



No. 34. *Journal de la Convention**Substance of a Conference with the Dutch Minister the 25th July, 1798.*

Just before dinner, the Dutch minister called on me, and said, he had received from Mr. Talleyrand, a printed copy of his letter to me, dated 24th Messidor (12th July) that the Dutch government took a friendly part in the disputes between France and the United States, and that he came to offer his services, and the mediation of his government, who had authorized and instructed him on this head.

I answered, that the conduct of Mr. Talleyrand, in publishing his letter to me, had an hostile appearance: that if a mediation could be supposed necessary, it must be offered to the government of the United States: I had no authority to accept it: that if the government of France was sincere in its declaration, made through Mr. Talleyrand its minister, all that was wanting was to open a negotiation; for he had expressed a desire to show by treaty how well disposed France was to put an end to these disputes; that the government of the United States was so reasonable, and just in its demands, that it could not fail to evince a good disposition to a reconciliation, that the etiquette of setting on foot a negotiation appeared at present to be the only embarrassment; more especially as the principal obstruction to a negotiation had ceased, this government having relinquished all claims of loans and reparations on account of the President's speeches: that as the United States had been twice defeated in sending ministers to Paris, the government might not be disposed to send them a third time; and that if the French government would propose some city in a neutral nation, as a place for opening a new negotiation, or which would be better, would send a minister to the United States, I did not doubt it would succeed: that this was a mere matter of opinion; for I had no instructions on the subject; neither was I informed, whether my government had or had not formed an alliance with any other nation, as had been frequently reported. The Dutch minister answered, that the proposal of a mediation must go to the government, and inquired in that case if I would stay at

Paris: I answered no, it was not necessary; neither did I conceive the propriety of offering at this period a mediation: the proper mode of settling disputes, was, in the first instance, by treaty; if in any points this should fail, still there were other means besides the mediation of a third power, which might be adopted; but that if his government wished to make the proposition, I would carefully transmit it to the government of the United States.

He said that Mr. Talleyrand, who had styled his letter a pacifick manifesto, and had sent a printed copy to each foreign minister, had no hostile intention in publishing it; but considered it as a friendly measure. I answered we then had different views of the subject. I then showed the answer to that letter which the Dutch minister read. I thought it necessary for the information of his government to make to him the communications mentioned.

#### No. 35.

#### TRANSLATION.

*Upon the Communications made by the President of the United States to the American Congress, on the 14th Germinal, 6 year, (April 3, 1798.)*

THE American and English papers have lately resounded with the publication of the most strange communications, which the envoys of the United States have thought it their duty to make to their government. It is with respect to those envoys a deplorable monument of credulity and contradictions: and it is with respect to that government a provocation still more deplorable.

It is requisite by the evidence of facts and the very words of the envoys themselves, to show their inconceivable error. It is requisite, by the force of reason and the mere sentiment of the happiness of the two republicks, to answer to the provocation so visibly suggested by the British government.

That government indeed, after so many and such ridiculous efforts against the French Republick, endeavours to organize corruption around it. Grown desperate on account of so many glorious treaties of peace, which the latter has concluded, it has flattered itself, by its peculiar perfidies, to rekindle the former wars in Europe, and to

excite against it a new war in America ; but all this system of British corruption shall be exposed and confounded ; and the American people shall know the height of the precipice to which they are urged by the servile friends of their former oppressors.

For a long time the French Republick complained, and certainly it had a right to do so, against the inexecution of the most important parts of the convention of 1788, concluded between France and the United States. The maritime hostilities were soon followed by the most aggravating injuries. It was in vain that the Republick made a sacrifice of armaments, which might compromit the American neutrality.

The most legitimate of its armaments was soon after contested. The French vessels experienced a thousand vexations. Their prizes were no longer under the protection of the treaties. The courts of justice arrogated a jurisdiction over them : lengthy and ruinous chicaneries discouraged the captors : the French ports in the two worlds were soon declared to be blockaded by British proclamations : the vessels which departed from them were stopped on a loose suspicion of being enemies property : those which carried provisions thither were turned back. On the other hand, the British ships of war entered the ports of the United States, after seizing French property or property claimed to be such. By degrees they became stationary there, and made of them military stations, whence they attacked both the French and the Americans in connection with France. The Republick however confined itself to appealing to its treaties with the United States, and to pressing their government to cause their own neutrality to be respected. They answered it with a treaty clandestinely negotiated and concluded with Great Britain.

Does this treaty, however, secure the neutrality of the United States ? No.—It renders the presence of the English forces in their ports lawful : it gives to England rights, which, in the midst of war, ameliorate its situation to the prejudice of France : it allows the facility of again starving France and its colonies : it sacrifices the generous principles established, in favour of the liberty of the seas, in former treaties.

France makes complaints : the American government eludes, and wanders from them ; it multiplies official notes



without approaching the main point of the question. Reparations are demanded: they are not made. It speaks of nothing but wrongs experienced by the United States: it skips over those which it makes France suffer. The treaty of 1778 is rendered more and more insignificant; and the last blows are struck at the French cruisers in the American seas, by the prohibition to sell their prizes. The Republick is under the necessity, in order to manifest its too long suspended resentment, and bring about a negotiation, to appropriate to itself the same clauses of the English treaty. At length the United States, sensible only to the disagreeable consequences which have resulted therefrom to themselves, appeared to wish a reconciliation.

Three commissioners have been sent for that end to the French Republick: two of them, general Pinckney and Mr. Marshall, manifesting against France prejudices brought from America, or imbibed from the nature of the connections which they lost no time in forming here; and the third, Mr. Gerry, announcing more impartiality, and manifesting himself more disposed to lend a favourable ear to every thing which might reconcile the two republicks.

From this ill-suited union, which disclosed dispositions not very conciliatory, there must needs result and there has in fact resulted a crooked and embarrassed career on the part of those commissioners; hence their constant aversion to do what might reconcile, their eagerness to write what might disgust.

At first they manifested a desire to be acknowledged; but explanations of some expressions evidently insulting to the Republick, which were contained in the opening speech of the President of the United States, were demanded from them as a previous condition. They did more than to refuse; they did not even comprehend this demand, and had recourse to groundless recriminations. Soon afterwards a willingness appeared to spare them the embarrassment of the disavowals; and in order to detach them from England, and to restore in a small degree the balance so strongly inclined in favour of that power by the last treaty, it was wished that an unequivocal proof of attachment to our cause which so recently was their own, might be obtained from them: it suited the finances to exchange,



at that period, for specie, some Batavian inscriptions at gradual instalments: the minister of foreign relations gave them to understand, that their offering to purchase a certain quantity of them, would be considered as a friendly act. They said that they did not possess the power; and they showed that they had not the will. To come at some accommodation, some friendly explanation, frequent communications with the minister of the exterior were necessary. The latter complained publicly that he did not see them, and they avowed that he caused them to be often informed of this reproach; but two of the commissioners, shielding themselves under ceremony, refused to comply with the desire. Mr. Gerry at length resolved to go, spoke twice with the minister; and whether from embarrassment in explaining himself, or fear of compromising himself, he said but little; and did not venture to decide on any thing.

In the mean time the envoys thought themselves bound to transmit to the President of the United States a very voluminous account of their negotiation.—Of what then could this account be composed? It was necessary to fill it with the despicable manœuvres of all the intriguers, who, seeing the commissioners charged with the most important interests, secluding themselves from the government with which they ought to treat, hastened to gather round them, and infatuated them with the idea of their credit and the opinion of their importance.

One of these intriguers appears to have grounded himself on some acquaintance, which, as a foreigner having a recommendation, he had succeeded in obtaining with the minister: another (and it is the one who is the most active) grounds himself solely upon the acquaintance which he had with the first intriguer; for he declares that he does not even know the minister. Such moreover is the situation of the man, whoever he may be, who is placed at the head of this department, that he is obliged to receive and listen to many persons, who are far from having any share in his confidence, and he has no means of preventing the abuse they may make, in his absence, of the most insignificant visits, of which they avail themselves, as suits their interest with men of no experience.

In the publication which the American government has made of the report of its envoys, these persons, without

being avowed, are designated each by a letter. The minister impatient to know their names, demanded them with importunity, and finally obtained the communication which he immediately handed to the proper authority. It will be learned with pleasure that they are foreigners, and it will be readily believed, that they did justice to themselves by hastening to quit the territory of the Republick. Only one of those letters, Z. designates a Frenchman, who hastened to declare himself.\* The language he held is irreproachable: he is presented as having sometimes served as interpreter; but it is clearly seen that he interpreted none but honourable propositions.

As to the foreigners who are seen figuring in this negotiation, it appears that the object of their whole intrigue was to obtain from the Americans a sum of 1,200,000 livres, to be distributed for corrupt purposes. Hence begin and end all the bustle, all the conversations, all the proceedings, minutely detailed in the report of the envoys.

It will be for ever inconceivable, that men, authorized to represent the United States near the French Republick, could have been for an instant deceived by manœuvres so evidently counterfeit, and that there should exist a temptation to convert the error in this respect into bad faith.

What! Three men are sent envoys from America to France to negotiate there a reconciliation between the two republicks: embarrassed in a preliminary matter, they cannot at once confer with the minister as commissioners; but they have a thousand ways of seeing him as individuals, either at his own house or elsewhere; and two of them constantly refuse all the facilities which are offered to them.

This is not all, we see them present the details of their negotiation, as if persuaded that the disgusting propositions which they say were made to them, were addressed by a man clothed with the confidence of the government, and nevertheless, in the course of their recital, they suffer an avowal to escape, that they several times suspected these clandestine communications, and that they finally decided to reject them for the future. Mr. Gerry even declares positively, that these meddlers *did not produce any*

\* See his letter printed at the end of these reflections.

*authority or any documents of any kind whatever.\** At the same time, they continued to decline the direct communications, which were offered to them continually by the minister. Is not all this a labyrinth of contradictions?

And when we examine by what a series of intermediate persons, they thought to approach the minister, whom it was so easy to them to consult immediately, is it not rendered impossible for us to think that they have seriously adopted the consequences of their recital?

*Here* it is a lady known to be connected with Mr. Pinckney, who holds with him the most innocent discourse, which has been repeated to him from one end of France to the other: *lend us* (says she to him one day) *money in our war; we lent it to you in yours*: and a conversation thus simple is taken up by Mr. Pinckney, who finds it necessary to write every thing and to poison every thing; it is mysteriously sent by him to his government, as if it had any relation to the clandestine propositions made by the intriguers: thus minute is distrust! Thus is prejudice led astray in its reasonings! In this manner are the politics of some men a pest to social intercourse!

*There* it is one W. whom we have not succeeded in discovering, who introduces to general Pinckney one X. a very hasty fellow, who says he is charged with a message from the minister; who being soon afterwards pressed to answer whether he is personally known to him, is forced to say no; but that he has the propositions which he made from Y. who, he says, has connections with the minister; and nevertheless when they want to intrust Y. with the negative answer to his proposition for the 1,200,000 livres, he declines being charged with it, and is compelled to avow, through a kind of shame, and at the risk of discrediting the part he was playing, that the proposition did not come from the directory, nor even from the minister; and that it came solely from him Y. who was desirous of saving the envoys the mortification of the disavowals. If these same men have afterwards held a different language, was it not natural for the envoys for ever to mistrust their reports, and above all to endeavour to reach the source? They have not done so. How can this conduct be reconciled either with reason or good faith?

\* See, at the end, his first answer to the minister.

In the same report, they manifest themselves desirous of informing their government with the utmost detail, of every thing which passed in relation to their commission : and whilst with such a scrupulous care they collect so many absurdities and miserable puerilities, they are silent upon the official communications, which the persons employed in the office of exterior relations had with them on behalf of the minister. It is without doubt, because those communications, agreeing with the few which the minister himself made, were pure, upright, and culculated to do honour to the French government. It was part of their plan to pass them over in silence. The others so suspicious in their origin, were defamatory in their object : they had the utmost impatience to make them known.\*

They had just presented a voluminous memorial setting forth their pretended grievances : they well knew, that the minister was about to address a note to them in answer, which ought to have formed one of the authentick documents of the negotiation, and which in fact was sent to them in the month of Ventose last [March 19.] They hastened to publish every thing that evidently did not come from the minister, and which they endeavoured to impute to him, in order doubtless to weaken thereby the very different impression which must have been produced by the note, wherein every thing breathes a sincere desire to conciliate.

This group of facts presents such a tissue of incongruities and contradictions, that the mind is lost in it. One is at a loss to specify with precision the reproaches to be made to the American envoys. But it is very evident that they have been most strangely deceived, if they did believe, and that they are most perfidious, if they did not believe, what they relate. [In the expression of these reproaches which escape from indignation, it is requisite to hasten to except Mr. Gerry, who doubtless may have been deceived both by the foreign intriguers, and perhaps

\* See in the 2d letter of Mr. Gerry, dated 15th Prairial [June 3, 1798] which follows these reflections, the express declaration of Mr. Gerry, that, in the course of the negotiations he saw persons employed by the office of exterior relations, and the justice he does them of *never having uttered a word, which had the least relation to propositions, such as the intriguing foreigners X. and Y. appeared to have made.*



also, by his very colleagues, but to whom no suspicion of bad faith or insincerity can attach.]

Now, what could be the secret motive which caused such puerile communications to be circulated with so much éclat? How then can they justify the pompous affectation, by which the American people has been prepared to hear them? How can we conceive that it was hoped to render the farce more imposing by fasts and publick prayers?

Doubtless a great object caused them to hazard the holding up as discoveries of the greatest importance, the incoherent prating of two intriguers, who were foreigners with respect to France. Perhaps it was supposed that the citizens of the United States would judge of the French government by these caricatures, and that the French government would be sensible to such a marked provocation. The effect of the outrage was calculated from the malignity of the intention, and not from the littleness of the means.

In one word, they flattered themselves with exciting indignation instead of pity. They wish for war; and they wished that insulted France might declare it against a people, whose cause she defended, and that it might be restored by her to the arms of England.

By that war, the British cabinet would gain an ally, who would labour for its interest, second its projects upon the French and Spanish colonies, and retard the moment of its humiliation: by that war too the British government would accelerate the execution of a favourite plan of which it has never lost sight.

It is known, that since it despaired of re-uniting to the triple crown, the states whose independence it was obliged to acknowledge, it aspired at least to prejudice them in favour of limited monarchy; that it endeavoured to fortify, by the similarity of constitutional forms, the habits common to the English and American people; and that it took care to keep for a long time one of the sons of George III. in the vicinity of the United States. Can it then be true, that to the disgrace of the human mind, many citizens of the United States should be found who are seriously reconciled to the English form of government? Can it then be true, that men, called by the publick confidence to the head of the government of the United States, have written in favour of the British constitution, merely to prepare its

adoption in their own country? Can it be true that a thirst for honours, greediness of wealth and a desire of perpetuating power, have already ripened this conspiracy against liberty?

If this ought to be no longer considered as a suspicion, all is explained. War is necessary in order to raise troops and obtain supplies: an unnatural war against old friends, against brothers, against republicans, is more especially necessary: it is necessary that this war should excite civil commotions, shock every idea of morality, and rouse to resistance the true sons of America: and pretences will arise in abundance for stigmatizing with sedition the honourable defenders of principles, and for substituting a monarchical in the room of a representative government.

It would be hereafter unnecessary to dissemble. Such are the criminal practices of the English cabinet. Such is the blind propensity of a government which it influences: and it is the French Republick which sacrificed the blood and fortune of its citizens in the cause of liberty; it is the French Republick that is instigated to strike the fatal blow! But superior to the influence of her resentments, she will be actuated by nothing but the happiness of the two republicks, and she will appeal to the whole universe to judge of the sincerity of the dispositions, which she has never ceased, and which she will never cease to manifest, for living in peace with America.

P. S. It is of extreme importance to lay before the publick, the letters written to Mr. Gerry, envoy of the United States, by the minister of exterior relations, as soon as this strange publication came to his knowledge; and it is of equal importance to know the answers given by Mr. Gerry. Both are as follow. [*See the preceding numbers 6. 7. 8. 10. 11.*]

Note. The names were in fact sent to the minister, who immediately deposited them in the proper place.

[The following letter of the citizen, designated by the letter Z. it is not less essential to publish.]

13 *Prairial*, 6th year, (June 1, 1798.)

To the Minister of Exterior Relations.

MR. GERRY having communicated to me the letter which you yesterday wrote to him, by which you expressly desire, that he may make known to you the persons meant by the letters W. X. Y. Z. in the correspondence of the American envoys, printed in a publick paper of the United States of America, dated 12 April (O. S.)

My sensibility must be much affected on finding myself under the letter Z. acting a part in company with certain intriguers, whose plan it doubtless was to take advantage of the good faith of the American envoys and make them their dupes. Finding myself implicated in this affair, and wishing to remove my uneasiness respecting the disagreeable impressions and the consequence which the publication of your letter to Mr. Gerry might produce, I thought it my duty to hasten to you, and pray you citizen minister, to be pleased to declare in writing that in the conferences I had with those gentlemen, I pursued the communications which you authorized me to make to them, in the manner I shall state below.

In the beginning of last Brumaire (October 22, 1797,) having been to pay my respects to the citizen minister of exterior relations, and the conversation turning upon the United States of America, he expressed to me his surprise, that none of the Americans, and especially the new envoys ever came to his house; that this was not the way to open a negotiation, the success of which they had more reason than we to wish; that he would receive them individually with great pleasure and particularly Mr. Gerry whom he had known at Boston. Knowing my friendly connections with Mr. Gerry, he charged me to impart to them what he had said. I accordingly waited on Mr. Gerry, who having sent for his colleagues, I communicated to them the conversation I had had with the citizen minister.

Messrs. Pinckney and Marshall declined waiting on the minister upon the ground of ceremony; but as the same reason did not apply to Mr. Gerry, it was agreed that he

should go the next day, and that I should accompany him, Mr. Gerry at that time not being able to express himself in French. The next day we went; but not finding the minister at home, Mr. Gerry requested him to appoint a time for an interview, which was fixed for a few days after. We attended accordingly, and after the usual compliments, Mr. Gerry having expressed to the minister his desire to see harmony and a good understanding re-established between the two republicks, the minister answered him that the directory had made a determination not to treat with them, unless they previously made reparation for some parts of the President's speech at the opening of Congress, and gave an explanation of some others; that he could not delay, but for a few days, communicating this determination officially to them, that until then, if they had any propositions to make, which could be agreeable to the directory, he would communicate them with alacrity: that considering the circumstance, and the services of the same kind which France had formerly rendered to the United States, the best way would be for them to offer to make a loan to France, either by taking Batavian inscriptions for the sum of fifteen or sixteen millions of florins, or in any other manner. Mr. Gerry after having replied in a polite, but evasive manner, to the first article, added on the subject of the loan, that their powers did not extend so far, but that he would confer with his colleagues upon the subject. It is to be observed that as the minister spoke nothing but French, I repeated in English to Mr. Gerry what he had said to him, and that although certain that he very well understood the answers of Mr. Gerry, I repeated them to him in French. We took our leave of the minister who had just received a courier, and he charged me on parting to repeat to Mr. Gerry and his colleagues what he had said to us. Accordingly I repeated to Messrs. Pinckney and Marshall, in the presence of Mr. Gerry, the conversation which we had had with the minister.

A few days afterwards Mr. Gerry requested me to accompany him again on a visit to the minister, and having repeated to him the extreme desire he felt to see the most perfect union re-established between the two nations, he resorted to the insufficiency of their powers, and proposed in the name of his colleagues and himself, that one of them should immediately depart for America with the proposi-



tions which the French government might make. The minister answered that it would require six months to have an answer, and that it was of importance to have a speedy determination; that he was extremely desirous to have frequent communications with them individually and amicably. This course appearing to him to be the best adapted to come at the issue of a speedy negotiation, he therefore lamented that he had yet had no communication with them.

Such, citizen minister, as far as my memory serves me, are the particulars of the only two conferences at which I was present. I shall add that no person has had a greater desire than myself to see this negotiation succeed.

Health and respect,

HAUTEVAL.

MR. SKIPWITH'S COMMUNICATIONS.

*To the Secretary of State of the United States of America,  
Paris, August 4, 1798.*

SIR,—I have the honour to send you enclosed, the official copy of an arrêté of the executive directory of the French Republick, concerning the French privateers in the West Indies, which was transmitted to me by the French minister of foreign affairs.

I have the honour to be, sir, &c.

FULWAR SKIPWITH.

*Paris, August 8, 1798.*

SIR,—Having had the honour of transmitting to you, three official copies of the arrêté of the directory, of the 13th Thermidor,\* concerning their privateers in the West Indies, the present is merely to enclose you a copy of a letter which I yesterday received from the minister of foreign relations, on the subject of that arrêté.

I have the honour to be, sir, &c.

FULWAR SKIPWITH.

To the Secretary of State.

\* 31st July, 1798. The arrêté here referred to:

## TRANSLATION.

*The Minister of Exterior Relations to citizen Skipwith, Consul General of the United States of America. Paris, 19 Thermidor, 6th year of the French Republick. (August 6, 1798.)*

CITIZEN,—You will have seen in No. 961, of the *Redacteur*, a copy of a decree made by the directory, in order to cause the privateers to return within the rules and limits whence they ought never to have departed.

By this measure foreign powers will be convinced that the executive directory, when informed of the abuses which may be directed against them, takes every pains to stop them, and to prevent their return.

You will doubtless see in the intention and the acts of the directory, cause for feeling a security with respect to the commerce of your fellow citizens, so long as it shall be confined within just bounds.

I wish, citizen, that for the good of the two countries, the conduct of the federal government may correspond with that of the directory. In this supposition, the friendly relations of the two people would be soon re-established.

C. M. TALLEYRAND.

## CONSULATE GENERAL OF THE UNITED STATES OF AMERICA.

*Fulwar Skipwith, Consul General for the United States, near the French Republick, to Timothy Pickering, Esq, Secretary of State of the United States. Paris, August 22, 1798.*

SIR,—With a copy of a letter I have just received from the minister of foreign affairs, I have the honour, under cover hereof, to transmit to you copies of two letters, which have been officially communicated to me, from the minister of marine, to all principal, civil and military officers, at the different ports of this Republick, concerning the safety and protection of American citizens in general, and those seamen in particular, who were detained, or are in confinement at those ports. Agreeably to the intima-

tions contained in the minister's letter to me, I have this day made application to the minister of police in favour of the American seamen, who, by means of one of the publick authorities at L'Orient, had been arrested as Englishmen, and are at present confined at Orleans as prisoners of war. In a few days, I expect to obtain their liberation, and shall procure their passages home.

I have likewise the pleasure of forwarding to you an official copy of an arrêté of the directory for raising the embargo, imposed by government on all vessels belonging to the United States, in the ports of this Republick.

I deem it my duty to observe, that from informal communications, which I have recently and repeatedly had with some of the best informed individuals of the government on the subject of American vessels and property, now under trial before the different tribunals of this Republick. I have derived such informations of the present disposition and intentions of the directory, as to be satisfied myself, that they will ere long endeavour to provoke in the legislature a revision of their maritime laws, and that such a system will be organized as will secure the most important rights of neutrality upon the seas: this pleasing event is generally expected, and will, I am persuaded, arrive before this can reach you. Though many of the late arrêtés of the directory have certainly encouraged the tribunals in the most pernicious applications of existing laws in regard to neutral property captured and brought in for adjudication, yet it may not be unimportant to remark to you, sir, that the directory, however well disposed, cannot change the conduct of the tribunals in regard to American and other neutral vessels now before them, without legislative interference; and that owing to particular circumstances, it appears evidently that some time is necessary for them to prepare and dispose that body to alter some laws and make others, which shall cause the tribunals and privateers to respect neutrals in general, and the flag of the United States in particular: but from the present manifest dispositions and endeavours of the directory to produce that end, I am happy to add, that the tribunal of cassation, before whom appeals have been made on most of the American property condemned in France, appear disposed to procrastinate pronouncing upon them

until the sentiment of the legislature shall be declared upon the laws which are operating against their success.

I have the honour to be, &c.

FULWAR SKIPWITH.

#### TRANSLATION.

LIBERTY.

EQUALITY.

*The Minister of Foreign Relations to Mr. Fulwar Skipwith, Consul General of the United States to the French Republick. Paris, 3d Fructidor, 6th year of the French Republick. (August 20, 1798.)*

I SEND you, sir, copies of two letters written by the minister of marine to all the principal officers civil and military of the ports of the Republick. Their contents will prove to you the attention of the government to remedy the abuses committed against its intentions.

With respect to the persons detained in the civil prisons of Orleans, because they are not possessed of papers to prove that they are not English, and who claim to be Americans, be pleased to call upon the minister of general police, to whose functions belong all the measures of safety. The minister of marine informs me, that he has transmitted their petition to him, and I am going to write to him myself, in order to request him to admit your declaration in their favour, in the absence of other proofs.

Receive, sir, the assurance of my consideration.

CH. MAU. TALLEYRAND.

#### TRANSLATION.

*Copy of a Circular Letter, written by the Minister of Marine and the Colonies, to all the principal Officers of the Ports, Civil and Military, on the 29th Thermidor, 6 year (16 August, 1798.)*

OUR political situation with regard to the United States, citizen, not having as yet undergone any change which can affect the respect due to neutral nations, I do not think I have need to remind you, that no injury should be done to the safety and liberty of the officers and crews of any American vessel found to be in order, and that the same



conduct ought to be observed towards all passengers and other citizens of the United States, furnished with the necessary passports or protections. You will be pleased to use a vigilant attention, that the intentions of the government in this respect may be pursued by all those under you, and when any of them has departed from them, you will do justice upon the complaints which may be addressed to you, after ascertaining their validity.

The Minister of Marine and of the Colonies,

E. BRUIX.

For a true copy,

The Minister of Exterior Relations,

CH. MAU. TALLEYRAND.

#### TRANSLATION.

*Copy of the Circular Letter written by the Minister of Marine and the Colonies,—to the Agents of the Marine in the ports of the Republick. Paris, the 24th Thermidor, 6th year (11th August, 1798.)*

I OBSERVE, citizen, by the correspondence of the greater part of the administrators of the ports, that the embargo recently laid upon the American vessels has occasioned the detention of the crews. The intentions of the government were very badly understood, when a measure was adopted, which, in the first place, hazards the safety of these vessels, and in the second place appears to place us in a hostile attitude with respect to the United States, whilst the acts of the government evince, on the contrary, that it desires a good understanding between the two republicks. I therefore charge you, citizen, immediately upon the receipt of this, to order the discharge of all the Americans who may have been considered as prisoners of war, in consequence of the embargo of their vessels. You will be pleased to render me a prompt account of the execution of this order.

The Minister of Marine and of the Colonies,

E. BRUIX.

For a true copy,

The Minister of Exterior Relations,

CH. MAU. TALLEYRAND.

True and exact copies,

FULWAR SKIPWITH.

## TRANSLATION.

## DEPARTMENT OF EXTERIOR RELATIONS.

## LIBERTY.

## EQUALITY.

*Copy of a Decree. Extract from the Register of the Decrees of the Executive Directory, of the 29th Thermidor, 6th year of the French Republick, one and indivisible, (16th August, 1798.)*

THE executive directory considering, that notwithstanding the hostile manifestations of the government of the United States, which have occasioned a momentary embargo upon their vessels, it must be believed that unless abandoned to the passions of the British cabinet, that government, faithful to the interests of the American nation, will take measures conformable to the pacifick dispositions of the French Republick, after it shall receive a confirmation of them :

And wishing to pursue the friendly and fraternal habits of France towards a people whose liberty it defended ;

Decrees as follows,

Art. I. The embargo laid upon the American vessels shall be immediately raised.

Art. II. The minister of marine and of the colonies, is charged with the execution of the present decree, which shall not be printed.

For a true copy,

As President of the Executive Directory,  
MERLIN.

By the Executive Directory,  
As Secretary General,  
J. M. REVEILLERE LEPEAUX.

For a true copy,

The Minister of Exterior Relations,  
CH. MAU. TALLEYRAND.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JAN. 21, 1799.

ACCORDING to an intimation in my message of Friday last, I now lay before Congress a report of the Secretary of State, containing his observations on some of the documents which attended it.

JOHN ADAMS.

*To the President of the United States.*

THE Secretary of State respectfully submits the following report on the transactions relating to the United States and France, since the last communications to Congress on that subject.

TIMOTHY PICKERING.

Department of State, }  
Jan. 18, 1799. }

## REPORT

Of the Secretary of State on the Transactions relating to the United States and France, since the last communications to Congress on that subject.

THE points chiefly meriting attention are the attempts of the French government,

1. To exculpate itself from the charge of corruption, as having demanded a *douceur* of fifty thousand pounds sterling (222,000 dollars) for the pockets of the directors and ministers, as represented in the despatches of our envoys :

2. To detach Mr. Gerry from his colleagues, and to inveigle him into a separate negotiation ; and

3. Its design, if the negotiation failed, and a war should take place between the United States and France, to throw the blame of the rupture on the United States.

1. The despatches of the envoys published in the United States, and republished in England, reached Paris towards the last of May : and on the 30th of that month, the

French minister, Mr. Talleyrand, affecting an entire ignorance of the persons designated by the letters W. X. Y. and Z.—calling them intriguers, whose object was to deceive the envoys—writes to Mr. Gerry, and “prays him immediately to make known to him their names.”

Mr. Gerry, in his answer of the 31st, wishes to evade Mr. Talleyrand's request; and with reason, for he and his colleagues had “promised Messrs. X. Y. that *their* names should in no event be made publick.” Mr. Gerry, in his letter of October 1, in noting the repetition of Mr. Talleyrand's request for those names, states as an objection to giving them up “that they could be otherwise ascertained;” and that Mr. Talleyrand's messenger, admitting the fact that they were already known, immediately mentioned their names. Mr. Gerry nevertheless certified in writing the names of X. Y. and Z.; with the reserve “that they should not be published on his authority:” and besides formally certifying to Mr. Talleyrand the names of his *own private agents*, added, that “they did not produce, to his knowledge, credentials or documents of any kind.” —“Credentials” in *writing* were certainly not to be expected to be produced by agents employed to make corrupt propositions: but Mr. Gerry had Mr. Talleyrand's own assurance that Mr. Y. was acting by his authority. It is recited in the envoys' despatches, and upon Mr. Gerry's own report to his colleagues, that on the 17th of December, 1797, Mr. Y. “stated to him that two measures which Mr. Talleyrand proposed, being adopted, a restoration of friendship between the republicks would follow immediately; the one was a *gratuity of fifty thousand pounds sterling*; the other a purchase of thirty-two millions of Dutch rescriptions,” and after conversing on these topicks, Mr. Gerry and Mr. Y. rode to Mr. Talleyrand's office, where “Mr. Gerry observed to Mr. Talleyrand, that Mr. Y. had stated to him that morning, some propositions as coming from Mr. Talleyrand, respecting which, Mr. Gerry could give no opinion,” and after making some other observations, Mr. Talleyrand answered, “that the information Mr. Y. had given him (Mr. Gerry) was just, and might always be relied on.” This declaration *stamps with the minister's authority*, all the communications made by Mr. Y. to the envoys. And Mr. Y. himself, who is Mr. Bellamy, of Hamburg, in his publick vindication, declares,



that "he had done nothing, said nothing, and written nothing, without the orders of citizen Talleyrand." The same may be asserted in regard to Mr. X. for he first introduced Mr. Y. to the envoys; and his separate communications were substantially the same with those of Y. and both together were present with the envoys when the communications were more than once repeated.

It also deserves notice, that in stating the preliminary demands of the French government, the private agents, X. and Y., and the minister, use a similar language. The agents declare, that the directory are extremely irritated at the speech of the President, and require an explanation of some parts of it, and reparation for others; that this must give pain to the envoys, but the directory would not dispense with it: and that as to the means of averting the demand concerning the President's speech, the envoys must search for them, and propose them, themselves. Being asked to suggest the means, the answer is "*money*"—the purchase of the Dutch rescriptions, and "the fifty thousand pounds sterling, as a *douceur* to the directory."

The *minister* told the envoys, that the directory were wounded by the President's speech; and, in his conversation with Mr. Gerry on the 28th of October, said, "the directory had passed an *arret*, which he offered for perusal, in which they had demanded of the envoys an explanation of some parts, and a reparation for others, of the President's speech to Congress of the 16th of May, 1797; that he was sensible that difficulties would exist on the part of the envoys relative to this demand; but that by their offering *money* he thought he could prevent the effect of the *arret*. Mr. Z. (the "interpreter") at the request of Mr. Gerry, having stated that the envoys have no such powers, Mr. Talleyrand replied, they can in such case take a power on themselves; and proposed that they should make a "loan." But this "loan," as will presently appear, did not mean the "money," which would "prevent the effect of the *arret*." Mr. Gerry then making some observations on the powers of the envoys—that they "were adequate to the discussion and adjustment of all points of real difference between the two nations; that they could alter and amend the treaty; or if necessary,

form a new one ;” added, “ that as to a loan, they had no powers whatever, to make one, but that they could send one of their number for instructions on this proposition, if deemed expedient :”—“ That as he [Mr. Talleyrand] had expressed a desire to confer with the envoys individually, it was the wish of Mr. Gerry, that such a conference should take place, and their opinions thus be ascertained.” “ Mr. Talleyrand, in answer said, he should be glad to confer with the other envoys, individually, *but that this matter about the MONEY must be settled directly* without sending to America ; that he would not communicate the arret for a week ; and that if we could adjust the difficulty respecting the speech, an application would nevertheless go to the United States for a LOAN :” Now this matter of *the MONEY that must be settled directly*, could only refer to the *douceur* ; for a loan in the purchase of millions of Dutch rescriptions, or in any other form, could only be the subject of a *stipulation* to be *afterwards* fulfilled by the United States ; but the *douceur* of fifty thousand pounds sterling, was a sum within the immediate reach of the envoys ; for their credit would certainly command it : in fact, a mercantile house had offered to answer their draughts ; and this, Mr. Talleyrand unquestionably well knew ; for it was a member of the same house who first introduced the minister’s agent Mr. X., to general Pinckney, in the manner stated in the envoys’ despatches. A collateral evidence that in “ this matter of the money that must be settled directly,” Mr. Talleyrand referred only to the *douceur* arises from this circumstance : The very next day (October 29th) Mr. X. called on the envoys and said, “ Mr. Talleyrand was extremely anxious to be of service to them, and had requested that one more effort should be made to induce us to enable him to be so.” After a great deal of the same conversation which had passed at former interviews had been repeated, the envoys say—“ the sum of his proposition was, that if we would pay by way of fees (that was his expression) *the sum of MONEY demanded for PRIVATE USE*, the directory would not receive us, but would permit us to remain in Paris as we now were ; and we should be received by Mr. Talleyrand, until one of us could go to America and consult our government on the subject of a LOAN.”

Although the envoys' despatches, and the facts and circumstances herein before stated, cannot leave a doubt that X. as well as Y. and Z. was well known to Mr. Talleyrand, it will not be amiss to add, that on the 2d of December X. Y. and Z. dined together at Mr. Talleyrand's, in company with Mr. Gerry; and that after rising from table the money propositions, which had before been made, were repeated, in the room and in the presence, though perhaps not in the hearing of Mr. Talleyrand. Mr. X. put the question to Mr. Gerry in direct terms, either, "whether the envoys would now give the *douceur*" or "whether they had got the MONEY ready." Mr. Gerry, very justly offended, answered positively in the negative, and the conversation dropped.

Mr. Z. who has avowed himself to be Mr. Hauteval, was the person who first made known to the envoys the minister's desire to confer with them individually, on the objects of their mission: He it was, who first introduced Mr. Gerry to Mr. Talleyrand, and served as the interpreter of their conversations: and in his letter to Mr. Talleyrand, at the close of Mr. Gerry's document, No. 35, he announces himself to be the agent of the minister, to make communications to the envoys.

Mr. Hauteval declares "his sensibility must be much affected on finding himself, under the letter Z. acting a part in company with certain intriguers, whose plan (he says) it doubtless was to take advantage of the good faith of the American envoys, and make them their dupes:" yet this person the avowed agent of the French minister, apparently so anxious to screen himself from the suspicion of an agency in soliciting the bribe required by Mr. Talleyrand, did himself urge a compliance with that corrupt proposition.\*

The sensation which these details irresistibly excite, is that of astonishment at the unparalleled effrontery of Mr. Talleyrand, in demanding of Mr. Gerry the names of X. Y. and Z.; after Y. had accompanied him on a visit to

\* Extract of a letter, dated June 15th, 1798, from Mr. King, minister of the United States in London, to the Secretary of State.

"Col. Trumbull, who was at Paris soon after the arrival there of the commissioners, has more than once informed me, that Hauteval told him that both the *douceur* and the *loan* were indispensable, and urged him to employ his influence with the American commissioners to offer the *bribe* as well as the *loan*."



the minister, *with whom the conversation detailed in the printed despatches then passed*, and who then assured Mr. Gerry "that the information Mr. Y. had given him was just, and might always be relied on;" after Z. had in the first instance introduced Mr. Gerry to the minister, and served as their mutual interpreter, *and when the conversation between them had also been stated in despatches*; and after X. Y. and Z. had all dined together with Mr. Gerry at Mr. Talleyrand's table, on rising from which X. and Y. renewed the proposition about the MONEY!—The very circumstance of Mr. Talleyrand's being continued in office, after the account of these intrigues had been published to the world, is a decisive proof that they were commenced and carried on with the privacy, and by the secret orders of the directory. It was to accomplish the object of these intrigues that the American envoys were kept at Paris unreceived, six months after their credentials had been laid before the directory: and it was only because they were superior to those intrigues, and that no hopes remained of wheedling or terrifying them into a compliance, that two of them were then sent away—and with marks of insult and contempt.

2. The fact that the French government attempted to inveigle Mr. Gerry into a separate negotiation will not be questioned: at first it was made *privately*, and under an injunction of *secrecy* towards his colleagues: it was afterwards plainly insinuated by the minister, in his letter of the 18th of March, 1798, in which he tells the envoys that the executive directory was disposed to treat with one of the three; and that one he openly avowed, in his letter of the 3d of April, to be Mr. Gerry. The *pretence* for selecting him was, that his "opinions presumed to be more impartial, promised, in the course of the explanations, more of that reciprocal confidence which was indispensable." But when before, have their "*opinions*" been stated as a justifiable ground for rejecting the ambassadors of peace? Ambassadors too, of established probity, whose characters were of the first distinction in their own country, and whose demeanour, towards the government to which they were deputed, was decent and respectful? Who had, with a frankness which the candour of their instructions warranted, communicated the important points which they contained? And who unremittingly and with



the most anxious solicitude, entreated that the negotiations might be commenced? What more proper or more honourable qualities ought ministers deputed to negotiate with a foreign nation to possess? But why should a foreign government question the *opinions* of the ambassadors sent to negotiate with it on subjects of *difference* between the two nations? If wisely chosen, and faithful to the interests of their own country, they must of course possess different opinions from the government to which they are sent, the *differing opinions* maintained by the two nations on their respective rights and interests, being the cause and objects of the negotiation.—A government really disposed to treat on fair principles would never object to the *opinions* of foreign ambassadors. It would receive them, and appoint its own ministers with proper powers to treat with them, propose its terms, and receive those offered; and discuss both: and if then they could not agree, put an end to the *negotiation*. The French government did not wish to *negotiate*, it desired to *impose* a treaty on the United States. To this practice it had been accustomed towards the minor powers in Europe, whom it had subjected to its will: and it expected equal submission from the United States. Hence Mr. Talleyrand's secret declaration to Mr. Gerry, "that if he would negotiate, they could soon finish a treaty; *for the executive directory were not in the habit of spending much time about such matters.*" Hence the objections to general Pinckney and general Marshall: they manifested a discernment superior to the intrigues of the French government and an invincible determination not to surrender the honour, the interest, or the independence of their country.—It was necessary then to get rid of them; and seeing that neither despair of negotiating, nor studied indignities, could induce them to quit their posts, passports were sent to them to quit France: it was with difficulty that general Pinckney could obtain permission to stay two or three months for the recovery of his sick daughter, to whom an immediate voyage would probably prove fatal. Unembarrassed by the presence of these envoys, the French government, if it really desired a treaty on any terms, hoped to prevail on Mr. Gerry to negotiate separately, although from the first overture he declined and continued to decline it. But after the expulsion of his colleagues, it hoped by its seductive arts to prevail over his scruples and gain his consent to terms

which, while they were present, would be rejected ; or at all events to retain him, with the semblance of negotiating, regularly or informally, and thus keep the United States in the torpor of indecision, without preparation for offence or defence. Unfortunately, Mr. Gerry was induced, by the threats of immediate war against the United States, to separate from his colleagues and stay in Paris ; threats which, viewed with their motives, merited only detestation and contempt. Four or five months before, the threats of immediate orders to quit France, and the terrors of war in its most dreadful forms, had been held up to all the envoys, to frighten them into a compliance with the groundless, unjust and corrupt demands of the French government. Those threats had not been executed, and the unworthy purposes for which they had been uttered had been obvious. Happily for the United States, the character of the French government as delineated in the official despatches of all the envoys, and the knowledge of its conduct towards other countries whose governments it had overturned, and whose people, in the names of Liberty and Equality, it had enslaved, so operated as not to leave us exposed to all the evils which *suspense* was calculated to produce. Mr. Gerry indeed resisted all the arts of the French minister to entice him into a formal negotiation, after that government had driven his colleagues from Paris : a negotiation which in its nature would have been a surrender of our independence, by admitting a foreign government to choose for us the minister who should represent our country, to treat of our important rights and interests, which that government had itself violated and deeply injured.

The directory and their minister Mr. Talleyrand hoped and expected that general Pinckney and general Marshall would voluntarily have quitted France, after the minister's letter of the 18th of March, in which he made the offensive distinction between them and their colleague Mr. Gerry, on the pretence that his "opinions" were more "impartial" than theirs. Accordingly Mr. Talleyrand, in his letter to Mr. Gerry of the 3d of April, says—"I suppose, sir, that Messrs. Pinckney and Marshall have thought it useful and proper, in consequence of the intimations which the end of my note of the 18th of March last presents, to quit the territory of the Republick." Yet Mr.

Talleyrand had given them neither passports nor letters of safe conduct! The fact is, the French government wished to avoid the odium of sending them away, and the blame of a rupture, which Mr. Talleyrand predicted would be the consequence; while it was privately intimated to them that they must leave the country. The minister's conduct on this occasion, towards general Marshall (as detailed in his journal) was particularly marked with indignities. When it was observed to Mr. Talleyrand, that this was not the manner in which a foreign minister ought to be treated, Mr. Talleyrand replied, that general Marshall was not a foreign minister, but was to be considered as a private American citizen; and must obtain his passport like others through the consul. To this it was answered, that general Marshall was a foreign minister,\* and that the French government could not deprive him of that character, which was conferred upon him, not by Mr. Talleyrand, but by the United States; and though the directory might refuse to receive or to treat with him, still his country had clothed him with the requisite powers, which he held independently of France; that if he was not acceptable to the French government, and in consequence thereof it was determined to send him away, still he ought to be sent away like a minister; that he ought to have his passports, with letters of safe conduct which would protect him from the cruisers of France. Mr. Talleyrand replied, that if general Marshall wished for a passport, he must give in his name, stature, age, complexion, &c. to the American consul, who would obtain a passport for him: that with respect to a letter of safe conduct, it was unnecessary, as no risk from the cruisers would be incurred. The result of these conversations was a plain demonstration of the intention of the minister, that in consequence of his intimation at the close of his letter of the 18th of March, that the "opinions" of two of the envoys were not agreeable to the government of France, generals Pinckney and Marshall *should appropriate to themselves the*

\* On the 9th of October, 1797, the day after the envoys had delivered to the minister a copy of their letter of credence, "cards of hospitality were sent to them and their secretaries, in a style suitable to their official character." [See vol. iii. page 477.] And in the minister's letter to them of the 18th of March, 1798, he calls them "the commissioners and envoys extraordinary of the United States of America."—[See page 93 of this vol.]



character which the minister had drawn *generally*. The envoys, aware of this snare, in their answer of the third of April to the intimation that "the directory was disposed to treat with *one* of the envoys," declare to the minister, "that *no one* of the envoys was authorized to take upon himself a negotiation evidently intrusted to the whole," and "that no two of them could propose to withdraw themselves from the task committed to them by their government, while there remained a possibility of performing it;" but that if "it should be the will of the directory to *order* passports for the whole or any number of them," it was desired that such passports might be accompanied with letters of safe conduct, to protect them against the cruisers of France.

These endeavours of the French government, whether real or affected, to draw Mr. Gerry into a separate negotiation, constitute the substance of the correspondence between him and Mr. Talleyrand. They appear to merit consideration in several points of view.

1. Because if real, it was only in the hope and expectation, that by intrigues and terrors the French government might influence Mr. Gerry to enter into a formal treaty, on the terms which he and his colleagues had repeatedly rejected as incompatible with the interest, honour and independence of their country. For at this time Mr. Talleyrand had not renounced the demands of loans and a *douceur* as the indispensable preliminaries of a treaty. Accordingly we see Mr. Talleyrand, in his letter of the 3d of April to Mr. Gerry, proposed "to *resume* their reciprocal communications upon the interests of the French Republick and the United States of America." And in his letter of July 12th, to Mr. Gerry, having mentioned the arrival at Havre of a packet, the *Sophia*, from the American government, he says, "until then I never supposed you entertained the design of embarking before we had come to an agreement upon the definitive articles to be ratified by your government." 2. Because if that government had so far succeeded, it would have insisted on its ratification by the President and Senate, on the ground constantly taken by Mr. Talleyrand, that the powers of the envoys being *several* as well as *joint*, Mr. Gerry when *alone*, even after the French government had ordered his colleagues to leave France, were adequate to the formation of the treaty; and



that therefore the publick faith would be violated, if it were not ratified. 3. Because under such circumstances, the French government doubtless calculated at least on a division of the publick opinion in the United States in favour of the ratification of such a treaty; by means of which it might *enforce* the ratification, or *effect still greater mischiefs*. 4. But these endeavours to draw Mr. Gerry into a formal negotiation are chiefly remarkable because they were persevered in during near five months, against his constant, direct and positive refusals to treat separately; Mr. Talleyrand asserting and Mr. Gerry denying the competency of his powers.

We have seen the envoys, from the 6th of October, 1797, the date of their first letter to the French minister, to the 3d of April, 1798, when their last was delivered to him, expressing their earnest desire to enter upon and prosecute the great business of their mission: we have seen them during that long period patiently enduring neglect and indignities, to which an ardent zeal to re-establish harmony and peace could alone induce freemen to submit: we have seen them while held in suspense—neither received nor rejected—yielding to the importunities of *private* agents of the French government, and hearing and discussing their propositions, insulting as they were, in the hope that when these should be shown to be utterly inadmissible, others founded in reason and equity, and in the usual course of diplomatic negotiation, might be brought forward. Doubtless they also wished, when their astonishment at the first overtures had subsided, by listening still longer to such dishonourable propositions, to ascertain the true character of the French government. We have seen them, after waiting five weeks from the presentation of a copy of their letters of credence, entirely unnoticed, “solicit an attention to their mission,” and soliciting in vain. Thus denied an official hearing, they hoped by an unusual step to excite the attention of that government: they determined to transmit to the minister a letter representing the views of their own government in relation to the subjects in dispute with France. This letter dated the 17th was delivered the 31st of January, 1798. Waiting near a month without an answer, and “still being anxious to hear explicitly from Mr. Talleyrand himself, before they sent their final letter, whether

there were no means, within their powers, of accommodating our differences with France, on just and reasonable grounds,—on the 27th of February they desired “a personal interview on the subject of their mission;” and afterwards a second interview. They remark on what passed at these meetings, “that the views of France, with regard to the United States, were not essentially changed since their communications with its unofficial agents in the preceding October.”

At length they received Mr. Talleyrand’s letter of the 18th March, 1798, in answer to theirs of the 17th of January. The minister’s letter represented the complaints of France; as usual, charging the American government with the inexecution of the treaties with France—with *dissimulation*—insinuating that our tribunals were subject to a *secret influence*—holding up the British treaty as replete with evil and injury, and “the principal grievance of the Republick”—accusing the American government of a wish to seize the first favourable occasion to consummate an intimate union with Great Britain, and suggesting that a devotion and partiality to that power have long been the principle of the conduct of the federal government.

To this letter of the French minister, the envoys sent their reply on the 3d of April. This reply and their former letter detect the sophisms and erroneous statements of the minister—expose his naked assertions—refute his arguments—repel his calumnies—and completely vindicate the fidelity, the justice, and, as a neutral power, the impartiality of the government of the United States; and, at the same time, exhibit the weighty and well-founded complaints of the United States against the French Republick.

Hitherto, instead of a desire to obtain a reconciliation, we can discover in the French government only *empty professions* of a desire to conciliate; while it haughtily refused to receive our envoys, and during six months disregarded their respectful and ardent solicitations to negotiate: and after *one* of them, whom it induced to remain in France, had declared that “*he had no powers to treat separately, that the measure was impossible,*” then the directory expelled the other *two*!

If now we survey Mr. Gerry's individual correspondence, we shall find no solid evidence of any change in the disposition of the French government.

In his first letter to Mr. Gerry, Mr. Talleyrand's artifice is visible : he addresses him as "envoy extraordinary of the United States of America, to the French Republick ;" and proposes to him to "*resume* their reciprocal communications." Mr. Gerry, apprehending that the minister intended to draw him into a negotiation, repeats what he had often before declared, that for him to treat separately was impracticable : and that he can only confer with him informally.

On the 20th of April, Mr. Gerry addresses a letter to the minister, and presses him to come forward with propositions for terminating all differences, restoring harmony, and re-establishing commerce between the two nations. He receives no answer. On the 28th he confers with the minister, who says he cannot make propositions, because he does not know the views of the United States in regard to a treaty. Mr. Gerry gives him the information. He then promises in three or four days to deliver Mr. Gerry the project of a treaty : This promise was never performed. On the 12th of May, the new instructions of March 23d, sent by the Sophia packet, reached Mr. Gerry ; and he gave immediate notice to the minister that he should return to America in the Sophia, as soon as she could be fitted for sea.

"On the 24th of May, the minister sent his principal secretary to inform Mr. Gerry, *that his government did not wish to break the British treaty* ; but expected such provisions as would indemnify France, and put her on a footing with that nation." Yet that treaty had been made, by the French government, its chief pretence for those unjust and cruel depredations on American commerce which have brought distress on multitudes and ruin on many of our citizens ; and occasioned a total loss of property to the United States of probably more than twenty millions of dollars ; besides subjecting our fellow citizens to insults, stripes, wounds, torture and imprisonment. And Mr. Talleyrand, in his letter of the 18th March, to the envoys, declared that treaty to be "the principal grievance of the Republick." But now, instead of breaking that treaty, France desires to be put on the same footing.



This the United States would at any time have done, and the envoys were now explicitly instructed to do : and seven months before, all the envoys, in their conversation with Mr. Bellamy (Y) the confidential and authorized agent of the French minister, told him "that he might be assured that their powers were such as authorized them to place France on equal ground with England, in any respects in which an inequality might be supposed to exist at present between them, to the disadvantage of France."

The secretary also mentioned the claims of the American citizens on the French Republick : he said if the latter should be unable to pay them, when adjusted, and the United States would assume and pay them, France would reimburse the amount thereof. This has the semblance of candour : but on the 4th of March, when the envoys were in conference with Mr. Talleyrand, and they disclosed their principal instructions, "general Pinckney and Mr. Gerry told him they were positively forbidden to assume the debts to our own citizens, even if we were to pay the money directly to them." And doubtless it was because the proposition was already known to be inadmissible that it was now renewed.

The secretary and Mr. Gerry had also some unimportant conversation about the consular convention. And it is plain that the whole object of the secretary's visit was to amuse, by keeping alive Mr. Gerry's hopes of some pacifick arrangements.

On the 26th of May, Mr. Gerry had a conference with the minister ; pressing on this, as on former occasions, the necessity of sending a minister to the United States, with powers to negotiate ; to which, he says, the minister acceded ; but afterwards explained himself to mean a minister to *reside there after the ratification of the talked-of treaty.*

Such are the proceedings of the French government, by its minister, Mr. Talleyrand, before the arrival of the printed despatches of the envoys. We discover nothing but a proposition for treating with Mr. Gerry alone—which he had repeatedly declared to be *impossible*—and on terms which Mr. Gerry himself, as well as the other envoys, had long before pronounced to be utterly inadmissible, because directly repugnant to their instructions. We shall now see, by an examination of Mr. Gerry's sub-



sequent communications, that the publication of the envoys' despatches, far from causing a discontinuance of negotiations with him, or any change in the disposition of the French government more unfriendly to the United States, incomparably greater zeal for negotiating was exhibited afterwards than before.

On the 30th of May, the minister announces to Mr. Gerry the publication of the envoys' despatches. In his letter of the 27th of June, he says this incident only "for a moment suspended the principal object"—the negotiation with Mr. Gerry: and in his letter of June 10th he declares, that "the French government, superior to all the personalities, to all the manœuvres of its enemies, perseveres in the intention of conciliating with sincerity all the differences which have happened between the two countries." On the 18th of June the minister sends him a plan for conducting the negotiations; for the first time states the "three points" on which he says "all negotiations between France and the United States must essentially rest;" and "gives (what he calls) a large development" of them; concluding by pressing him to remain at Paris, to accelerate the negotiation—"the drawing together of those ties which the French Republick and the *true Americans* have regretted to see *relaxed*."

On the 27th of June the minister again writes to Mr. Gerry, and in language the most importunate, such as had never before been used, urges him not to withdraw, "when the French government, superior to all resentments, and never listening to any thing but justice, manifests itself anxious to conclude a solid and mutually satisfactory agreement." The minister even observes that the first of the "three points" mentioned in his preceding letter (respecting amicable declarations about mutual recriminations) might be postponed—that the third (about the consular convention) would doubtless experience no difficulty on either side, after the second should be amicably settled: That it was to the *second* therefore they should first attend; it being so much the more important, as it embraced the source of all the differences between the two nations. And on the 22d of July, the minister renounces all demands of "loans and explanations on the subject of speeches;" and even affects to be hurt that Mr. Gerry should have mentioned them: although both he and

his private agents had, before, so long and so obstinately persevered in demanding them of the envoys, as the indispensable preliminaries to a negotiation. And doubtless it is partly owing to the publication of their despatches, thereby exposing to the world those shameless demands, with the scandalous proposition of the *douceur*, that they are now relinquished.

In adducing these circumstances to show the *increased zeal* of the French government, since the publication of the despatches, to negotiate on its differences with the United States, it is not to be understood, that they afford a shadow of evidence of its sincerity. But as *professions*, verbal or written, furnished the only ground on which Mr. Gerry could form his opinion, that "before the arrival of the despatches of the envoys, the minister was sincere and anxious to obtain a reconciliation," much more, professions stronger and more importunate, afterwards made, afford proportionably higher evidence of sincerity. But the present details demonstrate that all those professions were merely ostensible. In the minister's last mentioned letter, after saying that his "second point" was most important, "*as it embraced the source of all the differences,*" and that to this they should *first attend*—he purposely forgets it, passes over it, and sends Mr. Gerry a note on the *consular convention*, of all possible subjects in difference the most insignificant; as it would have expired by its own limitation in two years and a half; within which time, the commerce of France, judging from its present state of annihilation, would probably not furnish a single ship to visit the ports of the United States. In his next letter, dated July 6th, he pursues his speculations on the *consular convention*, and sends Mr. Gerry two more notes upon it; complaining that he had not transmitted to him his opinion upon his first note, and recommending the two last to his attention: although Mr. Gerry had repeatedly and positively declined a *formal discussion*, such as the minister now urged in writing. Mr. Gerry states also that this first note of the minister on the consular convention, was sent to him six weeks after he had demanded his passport, and when his baggage was actually on board the *Sophia*!

In a word, the more clearly the impossibility of entering on a formal negotiation appeared, the more was it

pressed by the French minister. Mr. Gerry in his letter to Mr. Talleyrand of July 20th, as justly as pointedly exposes the boasted zeal of the minister—"You was the first, you affirm, to press seriously the negotiation: you will agree with me that the merit would have been greater, had the measure itself been *feasible*." Again he says to the minister, "you frequently remind me of your exertions [to negotiate] which I am disposed as much as possible to appreciate, regretting at the same time *their circuitous direction*."

From this detail of facts, the following are the necessary conclusions:

That by the exclusive attentions of the minister to Mr. Gerry, the French government intended to excite the jealousy of his colleagues, to promote dissensions between them, to separate him from them, and induce him to remain in France; expecting either to seduce him into a formal negotiation of a treaty, on terms exclusively advantageous to France, and injurious and dishonourable to the United States; or, failing in this, to hold the United States in *suspense*, and prevent any measures for our security—in the event of a war; while we, amused and deluded by warm but empty professions of the pacifick views and wishes of France, and by "informal conferences," might wait in spiritless torpor, hoping for a peaceful result: and

That by this course of proceeding—this ostentatious display of zeal to adjust differences, and restore harmony and a friendly intercourse between the United States and France, the French government intended, in case of a rupture, to throw the blame on the former.

It is necessary to make a few observations on the decree of the executive directory of the 31st July, 1793.

This decree was sent after Mr. Gerry to Havre, and he supposes that the official impediments, which for several days prevented his sailing, are to be ascribed to the minister's desire of sending the decree by him. The minister introduces it as "a part of the measures which he had announced to Mr. Gerry on the 22d of July." In his letter of that date to Mr. Gerry, the minister says, "By information which the government has just received, it indeed learns that violences have been committed upon the commerce and citizens of the United States in the

West Indies, and on their coasts. Do it the justice to believe that it needs only to know the facts, to disavow all acts *contrary to the laws of the Republick and its own decrees*. A remedy is preparing for it and orders will soon arrive in the West Indies, calculated to cause every thing to return within its just limits." This "remedy" is the decree of the 31st of July.

1. The first article of this decree confines to the special agents of the directory, the right of issuing commissions to cruisers ; and requires these to conform themselves to all the laws relative to cruising and prizes, and especially to those of the 1st of October 1793. Although the injunction to conform to *all the laws* of the Republick relative to cruising was ominous, as the *laws* most recently promulgated and best known were themselves the sources of the depredations and evils of which we complained ; yet not imagining that a decree introduced with so much solemnity, of which one copy was sent to Mr. Gerry, another to the American consul general at Paris, and a third to Mr. Létombe, late consul general of France—all to be communicated to the Executive of the United States, and all of which have been received—could be a *mere parade of words*, I was disposed to conclude that the law of the 1st of October 1793, to which all cruisers were *especially* enjoined to conform, might contain regulations that would afford some relief from French depredations. By the favour of Mr. Létombe, I obtained a copy of that law ; and to my astonishment found its object, conformably to its title, was "To determine the mode of dividing prizes made by French vessels on the enemies of the Republick."\* And the only restriction, in this lengthy law of six-and-forty articles, imposed on the individuals, officers and all others, composing the crews of their armed vessels is, "that they shall not sell beforehand their eventual shares of prizes."

2. The second article declares that all commissions granted by the agents in the French colonies in America, to fit out vessels for cruisers, or for war and commerce,

\* "DECRET de la Convention Nationale du 1. 8bre 1793, l'an 2d de la Republique Francaise,

Que détermine le mode de Repartition des prises faites par les vaisseaux Francaïs sur les ennemis de la Republique."



shall be void in thirty days after the publication of the decree in those colonies.

It has been supposed that by this regulation the agents may gather a fresh harvest of fees for new commissions ; and that this would be its only effect. The agents however had before taken care of this ; they had been accustomed to limit the duration of privateers' commissions ; and if they continued to cruise after their expiration, such privateers should have been considered as destitute of commissions, and consequently if they made any captures, as pirates :—But the agents knew their interest better ; they did not punish the piratical captors—they did not declare their captures void, and restore the property to the neutral owners—but, declaring such captors to have no title to the captured vessels and cargoes, took the whole to themselves. A remarkable instance occurred in the last year, in the case of the East India ship *New Jersey*, belonging to Philadelphia, to redeem which, the owners have paid to GENERAL HEDOUVILLE, *special agent* of the *executive directory* in St. Domingo, upwards of two hundred thousand dollars in cash. Whether any, and what portion of such prize-money goes into the chest of the Republick, I am not informed.

3. The third article declares that all agents and other deputies in the *neutral possessions*, appointed to decide there on the validity of prizes taken by the French cruisers, and who shall be suspected of having a direct or indirect interest in the cruisers, shall be immediately recalled.

It is remarkable that this article, apparently designed to correct the monstrous abuse of publick officers sitting in judgment in their own causes, should be limited to such of the French agents and their deputies as were appointed to reside in *NEUTRAL places*. I do not know that an instance of the kind exists. For although the French privateers and their prizes find asylums in the Swedish and Danish islands, yet the papers are carried thence to Guadaloupe, and there the captured vessels receive their doom under the superintendence of another *special agent* of the *executive directory*, VICTOR HUGUES. And even the captured American vessels carried into the West India ports of Spain and Holland, do not there receive sentence : these cases are decided by the agent or his

deputies, or other French tribunals, established in the island of St. Domingo, frequently, if not generally, in the absence of the masters and supercargoes. The French agents and judges find no difficulty in this mode of proceeding; *justice* being administered with more *facility* and *despatch* when only *one* of the *parties* is present at the trial; especially when the agents or other judges are interested in the privateers; and this the present decree impliedly allows; the penalty of "recall" being applicable, as above suggested, to such agents only as reside in *neutral places*, if any such there be.

It is also remarkable, that this decree, which was to give the United States a proof of the justice of the French government (a government, Mr. Talleyrand says "never listening to any thing but justice,") and of its desire of a reconciliation with the United States, should be limited to the *West Indies*, when as *great*, if not as *numerous abuses* were practised by French agents and tribunals in Europe, and even France itself, as in her remote possessions. This too many of our citizens well know. For captures and condemnations are not the less *abuses*, because made under the colour of *municipal* laws and decrees which directly violate treaties, the law of nations, and the plainest principles of justice. At present I shall only mention, that in a report made by major Mountflorenc, chancellor of the American consulate at Paris, to general Pinckney, in December 1796, and which was laid before Congress in May 1797, he states, "That the tribunals of commerce in every port of France, take cognizance, in the first instance, of every matter relative to captures at sea;" and "these tribunals (he adds) are chiefly composed of merchants, and most of them are, directly or indirectly, more or less interested in the fitting out of privateers; and therefore are often concerned in the controversies they are to determine upon."

4. The fourth article requires the special agents of the executive directory at Cayenne, St. Domingo, and Guadaloupe, studiously to take care, that the interests and property of vessels, belonging to neutrals and allies, be scrupulously respected.

We have too long witnessed the studious and scrupulous care of these gentlemen respecting the property of neutrals and allies, and experienced its ruinous conse-

quences; and as the same laws which authorized that "care" remain in force, and with a fresh injunction of a strict conformity to them, we can expect only a continuance of the same abuses.

5. The fifth article enjoins the special agents of the executive directory, consuls and all others invested with powers for that purpose, to cause to be arrested and punished all who shall contravene the provisions of the present decree.—Unfortunately, these special agents, consuls, and their deputies, are themselves the *aggressors*, and justify their proceedings under the laws of the Republic and the decrees of the executive directory.

This analysis of the present decree manifests its futility; and, with some remarks on its preamble, will demonstrate it to be a bold imposture; intended to mislead the citizens of the United States into a belief that the French government was going to put an end to the depredations of French cruisers on American commerce; while the means proposed are so gross as to be an insult on our understandings.

The preamble to the decree sets forth, "that information, *recently* received from the French colonies and the continent of America, leaves no room to doubt that French cruisers, or such as call themselves French, have infringed the laws of the Republic relative to cruising and prizes;" and "that foreigners and pirates have abused the latitude allowed at Cayenne and the West India islands, to vessels fitted out for cruising or for war and commerce, in order to cover with the French flag their extortions and the violation of the respect due to the law of nations, and to the persons and property of allies and neutrals." And Mr. Talleyrand, in one of his letters before noticed, dated the 22nd of July last, speaks of this information as having been "just received."

But what has been more notorious than French depredations on neutral, and especially on American commerce, in violation of treaties and the law of nations? These have been coeval with the existing war in Europe; but were multiplied under the loose decree of the executive directory passed the second of July, 1796, declaring that "the flag of the French Republic will treat neutral vessels, either as to confiscation, to searches, or to capture, in

the same manner as they *shall* suffer the English to treat them."

This decree committed the whole commerce of neutrals, in the first instance, to the rapacity of French privateers, and then to the discretion of their agents, consuls and tribunals. These had only to say, truly or falsely, that the English treated neutrals in any given way, and then they were to treat them in the same manner. Accordingly we have seen Santhonax and Raimond, commissioners of the French government in St. Domingo, in their adjudication of an American vessel, on the 10th of January, 1797, declare, "that the resolution (or decree) passed by the executive directory, on the 2d of July, 1796, prescribes to all the armed vessels of the Republick, and the armed vessels belonging to individuals, to treat neutral vessels in the same manner as they suffer the English to treat them;" and "that it is in consequence of the above resolution of the executive directory, and in consequence of the manner in which the English government in the Antilles *treats* neutral vessels, that the commission passed their resolution of the 7th of January, by which they declare all neutral vessels bound to or from English ports, to be legal prize." From these facts, and the tenour of the decree itself, we can form but one conclusion, *That it was framed in such indefinite terms, on purpose to give scope for arbitrary constructions, and consequently for unlimited oppression and vexation.*

But without waiting for this decree, the commissioners of the French government at St. Domingo began their piracies on the commerce of the United States: and in February 1797, wrote to the minister of marine (and the extract of the letter appeared in the official journal of the executive directory of the 5th of June) "That having found no resource in finance, and knowing the unfriendly dispositions of the Americans, and to avoid perishing in distress, they had armed for cruising; and that already 37 cruisers were at sea; and that for three months preceding, the administration had subsisted, and individuals been enriched, with the product of those prizes."—"That the decree of the 2d of July was not known by them until five months afterwards. But (say they) the shocking conduct of the Americans, and the *indirect* knowledge of the *intentions* of our government, made it our duty to



order reprisals, even before we had received the official notice of the decree." "They felicitate themselves that American vessels were daily taken; and declare that they had learnt, by divers persons from the continent, that the Americans were perfidious, corrupt, the friends of England, and that therefore their vessels no longer entered the French ports, unless carried in by force."

After this recital, before the council of 500, Pastoret makes the following remarkable reflections :

"On reading this letter, we should think that we had been dreaming; that we had been transported into a savage country, where men, still ignorant of the empire of morals and of laws, commit crimes without shame and without remorse, and applaud themselves for their robberies, as Paulus Æmilius or Cato would have praised themselves for an eminent service rendered to their country. Cruisers armed against a friendly nation! Reprisals, when it is we ourselves who attack! Reprisals against a nation that has not taken a single vessel of ours! Riches acquired by the confiscation of the ships of a people to whom we are united by treaties, and whom no declaration of war had separated from us!"—"The whole discourse of the agents may be reduced to these few words: 'Having nothing wherewith to buy, I seize; I make myself amends for the property which I want, by the piracy which enriches me; and then I slander those whom I have pillaged.'—"This is robbery justified by selfishness and calumny." Yet *Santhonax*, one of these "robbers," and the chief of those directorial agents, continued in office, and going a few months afterwards from Saint Domingo to France, was received as a member into one of the legislative councils.

Pastoret also adverts to a letter from *Merlin*, then minister of justice, and now a member of the executive directory, to Mr. Skipwith, consul general of the United States, which also appeared in the journal of the directory; and quotes the following passage: "Let your government break the inconceivable treaty which it concluded on the 19th of November 1794, with our most implacable enemies; and immediately the French Republick will cease to apply in its own favour the regulations in that treaty, which favour England to the injury of France; and I warrant you that we shall not see an appeal to those regula-

tions, in any tribunal, to support *unjust pretensions*." "Have I (says Pastoret) read this rightly? *unjust pretensions*! Could it be possible that they should thus have been characterized by the minister who, is himself their agent and defender?"

After all, this "inconceivable British treaty," was itself but a *pretext* to countenance the "unjust pretensions," as Merlin himself calls them, used by the French government in its tribunals, for the purpose of condemning American vessels. The details I have already given prove it. I beg leave to adduce other evidence. It is the testimony of Mr. Barlow, an American by birth, but for several years past a citizen of France, a man of acknowledged discernment and talents, devoted to the French Republick, and intimate with their leading men. Mr. Barlow has long resided at Paris, and cannot have mistaken the views of the French government, nor the motives of its conduct. Mr. Barlow's letter dated at Paris the first of March, 1798, to his brother-in-law Mr. Baldwin, has doomed the writer to infamy: yet when it describes the principles and conduct of the French Republick, it merits attention. He says, "that act of submission to the British government, commonly called JAY's treaty, is usually considered, both by its friends and enemies, as the sole cause, or at least the great cause of the present hostile disposition of the French Republick towards the United States. This opinion (says he) is erroneous." He then proceeds to an enumeration of a variety of matters which he says have influenced the conduct of France. But the most provoking, and the most unpardonable of all the offences of the United States against France, was, fortunately, not an act of the *government*, but an act of the *people*. The *freemen* of the United States, "the true Americans," dared to exercise their independent rights, and contrary to the wishes of the French government and the endeavours and practices of its minister Adet, elected Mr. ADAMS to the office of *President*. Mr. Barlow's observations on this event further develop the character and the principles of that government. He says, "when the election of ADAMS was announced here, it produced the order of the 2d of March,\*

\* It will be recollected that this is the decree of the executive directory, ordering the capture and condemnation of American vessels, not having a *role d'équipage*—that fruitful source of plunder to Frenchmen, and of ruin to

which was meant to be little short of a declaration of war:" "the government here was determined to fleece you of your property, to a sufficient degree to bring you to your feeling in the only nerve in which it was presumed your sensibility lay, which was your pecuniary interest." And what was this "feeling" to produce? The answer is obvious—*Submission to the will of the French government.* The mystery of French politicks is here unveiled. The United States *did not submit*: Hence the non-reception of her envoys, and their haughty treatment: Hence the insulting demands of tribute as a preliminary even to their reception; and hence the expulsion of two of them from France.

But to return to the decree of the executive directory of the 31st of July last.

I have already shown that the mass of depredations on the commerce of the United States, under the French flag, of which we so justly complain, are not those committed, as the directory in their preamble insinuate, by "foreigners and pirates" but by French armed vessels commissioned by the government or its agents; or whether commissioned or not, whose acts in capturing American vessels receive the sanction of French consuls, of French tribunals, and of the special agents of the directory. I have shown that the laws of France and the directorial decrees, are themselves the sources of those violations of treaties and the law of nations, which have caused such immense losses to the citizens of the United States. And to the proofs already offered, that the information of such aggressions and abuses, particularly in the West Indies, and on the coast of America, was not, as the preamble suggests, but "recently received." I may add, that their "special agents" authorized those depredations and violations of the law of nations, by decrees assuming the laws of the Republick, or the acts of the executive directory, for their bases—by decrees printed and published, and undoubtedly from time to time reported by those agents to the directory itself. Further, these outrages on the American commerce have for years past been the theme

American citizens; and which also declared all American seamen, making a part of the crew of enemies ships, even when put on board them by force, to be *pirates* and directed them to be treated as such.

of every tongue, and filled columns in our newspapers—those newspapers which Mr. Barlow says, “the office of foreign affairs (at Paris) regularly receives.” I will conclude this point with the testimony of Mr. Letombe, late consul general of the French Republick, and still residing in Philadelphia. He has long since, and repeatedly assured me, that he collected all those accounts of depredations and outrages committed by French privateers, and transmitted them to his government at Paris.

In relation to the depredations and outrages committed by the French on the commerce of the United States, I have said that as *great*, if not as *numerous* abuses were practised by the French in Europe, and even in France itself, as in her remote possessions : and that this fact was but too well known to our citizens, who had felt severely their effects. Among these we have seen the case of the ship Hare, captain Hayley ; but never in all its disgusting features. With this I will close my observations on the preamble of the directorial decree of the 31st July.

Extract of a letter from Rufus King, Esq. minister of the United States in London, dated September 3, 1798, to the Secretary of State of the United States.

“The pretence for this arrêté [the decree of the directory of July 31st] is of a piece with the vindication of Talleyrand respecting X. Y. and Z. and the justice and sincerity of the directory should be ascertained, not by their word, but by the following cotemporaneous fact.”

“Hayley, an American citizen, master of the American ship Hare, lying in the port of London, laden with a rich cargo, the property of Americans, and bound to New York, went with my passport from London to Paris, where, in a personal interview, not with the agents of the minister of marine, but with *the minister himself*, he disclosed his plan of bringing the ship Hare and her cargo into France ; and to enable him to receive the profits of the fraud, without risking the punishment of piracy, he demanded and received from the minister of marine, a commission naming him the commander of a privateer that did not exist ; with which in his pocket, he returned to London ; and soon after carried the ship Hare and her cargo as a prize into France.



“ The ship and cargo were both claimed by the American owners ; and upon the unvailing of this infamous proceeding before the lower tribunals, the judges hesitated ; and finally refused to sanction so unheard of a fraud ; though instead of restoring the property to its lawful owners, they on some frivolous pretence adjudged both ship and cargo to be good prize to the *nation*—Lately the tribunal in the last resort, upon the appeal of Hayley, has reversed the judgment of the lower court, and “ decreed the ship and cargo to be condemned as good prize to this renegado.”

“ If a transaction more grossly corrupt and infamous has occurred in the West Indies—I have not heard of it ; and yet with this case of unequalled infamy and corruption before them, sanctioned by the highest tribunals of the nation, the directory expect to amuse us with a disavowal of the conduct of a few subaltern agents, in a remote part of their dominions!!!”

Besides the communications from Mr. Gerry, I have received from Fulwar Skipwith, Esq. consul general of the United States at Paris, three letters dated the 4th, 8th and 22d of August, copies of which and of the papers therein referred to, are herewith presented, excepting the decree of July 31st, which appears among the communications from Mr. Gerry. Mr. Skipwith's letter of August 22d, with its enclosures, was delivered to me by doctor Logan ; I had previously received the original, which had been brought over by Mr. Woodward of Boston.

DOCTOR LOGAN having been the bearer of the last mentioned communications from the French government, and his EMBASSY having not only engaged the attention of the publick, but been made the subject of debate in Congress, I trust it will not be deemed improper to introduce into this report some circumstances respecting it.

On the 12th of November the doctor came to me at Trenton—he advanced with eagerness, and handed me the packet from Mr. Skipwith. On examining its contents, I told the doctor that I already possessed the same papers. I made some remarks on the decree of the directory of the 31st of July, to show that it was only ostensible and illusory ; and that it would not give any relief to the commerce of the United States. The doctor, not contesting my arguments or opinion, said that more was intended to be done ; but

that the directory could not accomplish it of themselves ; seeing it depended on the *laws* which the *legislative councils* alone could change. I answered, that this was easy to be done—that as the directory, on the 18th Fructidor (Sept. 4th, 1797) had garbled the two councils, and banished some and dismissed others of the best members—all who were firmly opposed to their views, and as on the new elections to supply the vacancies and the new third of the councils, the directory sent home every new member who was not agreeable to them—every body must see that the directory had but to declare its *will* and it would be obeyed. The doctor said, That the directory was very well disposed towards the United States, and desired a reconciliation ; that they would promote a revision of the laws in regard to privateering, so as to put the rights of neutral nations on a just footing : but that it would take some time to bring this about, “ *the people concerned in privateering having gained a very great influence in the two councils !*” ———! ———! Is it necessary to inquire how this “very great influence” has been obtained ? Are the leading members owners of privateers ? Or do they receive their shares of prize-money from those who are ? Do the legislative councils really act independently of the directory ? Or does the same “influence” actuate both ?—The printed despatches of our envoys, under the date of October 29, 1797, state, on the information of Mr. Talleyrand’s private agent X. that Merlin, one of the members, and now or late president of the directory, was to receive no part of the *douceur* demanded of the envoys, *because he was paid by the owners of privateers*, and in respect to the *loan* then demanded, on which subject it was suggested that one of the envoys should go to America to consult the government, the envoys “asked Mr. X. if in the mean time the directory would order the American property not yet passed into the hands of the privateers, to be restored ? He said explicitly that they would not. The envoys asked him whether they would suspend further depredations on our commerce ? He said they would not :—but Mr. Talleyrand observed that on this subject we could not sustain much additional injury, because the winter season was approaching when few additional captures could be made.” Here we see our envoys inquiring—not whether the *two councils* would suspend those depredations—

—but whether the *directory* would do it: and Mr. Talleyrand's agent X. without intimating that the directory *wanted power*, or that they could only “endeavour to provoke in the legislature, a revision of their maritime laws” —answered peremptorily, *that the DIRECTORY would not suspend the depredations*. The truth is, that it was an act of the *directory alone*, (their decree of the 2d of March 1797) which authorized and produced more extensive depredations on the commerce of the United States than any other decree or law of the French Republick. To effect a repeal of that decree, no application to the legislative councils could be necessary. They could also have repealed another of their own decrees, that of the 2d of July 1796, which subjected neutral property, and particularly that of American citizens, to the discretion of their consuls and cruisers in the European seas, as well as of their privateers and agents in the West Indies, and on which these agents have founded other numerous decrees, which have occasioned those shocking depredations and abuses there and on the coast of the United States, which the directory by their decree of the 31st of July last *affect to restrain*.

When the executive directory wished to enlarge the field of depredations on neutral commerce, and on the fourth of January, 1798, proposed to the two councils the project of the iniquitous law “to declare to be good prize every vessel and her cargo, *to whomsoever belonging*, if any part of the cargo came from England or her possessions”—there was a ready obedience. “The directory thinks it *urgent* and necessary to pass the law.” The plan of a decree is reported to the council of 500 on the 11th; and “urgency” being declared, is immediately and unanimously adopted. It goes to the council of ancients—that council approves the act of “urgency;” and on the 18th of January the project of the directory becomes a law.

This law was necessary for the French government: so many American vessels had been entrapped by the directory's decree of March 2d, 1797, requiring the *rôle d'équipage*, that the residue were now generally provided with that paper: some new pretext was therefore requisite for “fleecing” the people of the United States of their property: and an ordinance of one of the kings of France:



made near a century past, having declared lawful prize; the vessels and their cargoes in which was found English merchandise *belonging to enemies*,"—the directory declare that the provisions of this ordinance *ought to be extended*, to comprehend the vessels and cargoes of *friends*; that is, of allied and neutral nations. The directory knew that the United States, whose inhabitants were chiefly *cultivators*, required a greater supply of English manufactures than any other neutral country of equal population; and those manufactures too, were, from the course of American commerce, combined with almost all our mercantile operations, and pervaded entirely our great coasting trade. Hence it is evident that this law was chiefly aimed at *them*.

It will be remembered also, that this law was passed while our three envoys were at Paris, where they had passed three months unheeded by the French government, except by its indignities—and where they had in vain solicited to be heard on the just claims of our citizens, plundered and ruined under the former decrees of the Republick. This time was preferred, in order to add insult to injury. The envoys had firmly resisted her demands of loans and *douceurs*; and when speaking of their *country*, dared to intimate, that it was *independent*: it was therefore requisite, on the French system, to "chastise," as well as to "fleece" it.

In closing this subject, it will be proper to notice an assertion of Mr. Talleyrand in a conversation with the envoys on the 2d March, 1798. In reply to some observations of his respecting the proofs of friendship required by France from the United States, general Pinckney observed, "that the envoys being in France was a proof of the friendly disposition of our government; and that while they were there, the French government had passed a decree for seizing neutral vessels having on board any article coming out of England; which in its operation would subject to capture all our property on the ocean. Mr. Talleyrand replied, *that this was not particular to us, but was common to all the neutral powers*." This assertion of Mr. Talleyrand is not true. Although the decree in its terms is *general*, and *applicable to all the neutral powers*, yet in its operation, *it was not designed to be, and has not been so applied*—it has not touched a vessel of Prussia.



The motives to this exemption are obvious : France wished not by irritating Prussia, to add so powerful a nation, and one so near at hand, to the number of her enemies, while her peace with Austria remained precarious. But this exemption of Prussian vessels from the operation of a *general law*, merits particular notice. It demonstrates that there exists in the French Republick a *dispensing power*—*a power above the laws—a power which can prevent their execution* : and it is alike demonstrable that this sovereign controlling power can exist, and in fact does exist, in the executive directory. It might then, if the directory desired it, be exercised in the exemption of *American* as well as *Prussian* vessels : but the directory do not desire it : we have not yet been sufficiently “fleece’d” and “chastised.”

Mr. Skipwith’s letter of the 4th of August enclosed the decree of the executive directory already noticed, passed the 31st of July, respecting French depredations in the West Indies and on the coast of the United States. His letter of the 8th of August enclosed Mr. Talleyrand’s letter to him of the 6th, respecting that decree in which it is plain that the minister supposes the world, and particularly the United States, will be amused by that illusory device, and imagine that it was intended to stop abuses, and give security to neutral commerce.

Mr. Skipwith’s letter of the 22d of August covers another letter from Mr. Talleyrand, dated the 20th of August, in which he encloses copies of two letters from the minister of marine respecting American seamen who had been imprisoned. When in July last an embargo was laid on the American merchant vessels in the ports of France, the agents of the marine took out their crews and threw them into prison ; thus hazarding the loss of the vessels, and injuring the men by confinement and the bad provisions of their jails. These seamen were ordered to be released. The other letter from the minister of marine required that no injury should be done to the safety and liberty of the officers and crews of American vessels *found to be in order*, nor to passengers and other citizens of the United States having passports and protections.

The same letter from Mr. Skipwith enclosed the copy of a decree of the directory passed the 16th of August,

for taking off the embargo, laid a month before on American vessels.

The decree itself occupies but two lines : but its preamble is extended, for the purpose of insulting the *government* of the United States, when an act of common justice was done to some of their *citizens* ; by insinuating that the *government* was “abandoned to the passions of the British cabinet.” This, however, is but the repetition of a calumny familiar in French diplomacy, respecting other nations as well as our own. Barras, president of the directory, in his valedictory address to Mr. Monroe, declared that “France would not abase herself by calculating the consequences of the condescension of the American *government*, to the suggestions of her former tyrants :” professing at the same time great “esteem for the American *people*.” Mr. Adet had before charged the American *government*, with a “*perfidious* condescension to the English ;” and after making his last communications to the *government*, he, by their immediate publication under his orders, *appealed* from the *government* to the *people* of the United States. Yet Mr. Talleyrand says, that the French government has indeed “complained of the American government, but to the *government itself* ;” meaning to have it understood, though carefully avoiding the expression, that it had complained to the *government alone*. With the like sophistry he attempts to evade our well founded allegations, that the French government has made reproachful and injurious distinctions between the *government* and *people* of the United States, endeavouring to *separate* the latter from the former. He says “it is utterly *false*, notwithstanding the *publick* and private insinuations which have been made, in private writings and in solemn acts, that the French government has ever sought to detach the people of the United States from the *constitution they have given themselves*.” Such a charge against the French government has not, that I know, ever been made by the American government : but we have accused them, and *truly*, with endeavours to detach the *people* of the United States from the *government* chosen by themselves to administer that constitution : and this the minister does not attempt to deny. The directory would perhaps be contented that the *people* should retain the *forms* of “the constitution they have given themselves,” and to which

they are attached, provided they would elect to administer it, men devoted to France, and ready to obey the intimations of her will. And because the *people* have not been thus obsequious, but have dared to make a different election,—the French government has expressed its “terrible” resentment. Mr. Barlow has assured us, in the passage already cited from his letter, that for this single act of the *people* of the United States, in exercising freely their right of election, the directory passed a decree “which was meant to be little short of a declaration of war;” by which it “was determined to *fleece* the people of their property:” certainly in expectation that, by touching their feeling in that “nerve,” they would be induced, *in order to save their property*, to submit implicitly to the government of France. Failing in this attempt the French government made another, in the decree of the 18th of January, 1798, which though *general* in its terms, I have shown to have been levelled *directly* and *chiefly* at the commerce of the *United States*. And this at the time (as I have before remarked) when three envoys extraordinary were waiting, month after month, and most respectfully soliciting to be heard, and to enter on the discussion of all the subjects of difference between the two countries; and among these, on the French depredations on our commerce. Yet Mr. Talleyrand has the confidence to assert, and to Mr. Gerry too, one of those envoys, that the French government “never refused and never will refuse to enter into discussion upon every proper subject?” Does the minister mean that *those depredations* are not “a proper subject of discussion.” Yes, with respect to a vast proportion of them. Mr. Y. his private agent, explicitly told our envoys, that the condemnations of vessels for want of the *role d’équipage* were not to be questioned; “that being a point on which *Merlin* while minister of justice had written a treatise, and on which the directory were *decided*.”

It is fit here to recollect another and a peremptory refusal of the French government, “to enter into discussion” upon the subjects of difference between France and the United States.

General Pinckney, appointed the minister plenipotentiary of the United States to the French Republick, went to Paris in the autumn of 1796. There was at first (as in



the case of the envoys extraordinary in 1797) a show of receiving him : but soon the scene was changed ; and he was not only refused a hearing, and after bearing a thousand indignities, ordered to leave France ; but the predecessor of Mr. Talleyrand, Charles De La Croix, in a letter to Mr. Monroe, intended to be communicated to gen. Pinckney, declared, (being specially charged to do so by the directory, and Mr. De La Croix repeated the declaration to general Pinckney's secretary) " That it will not acknowledge nor receive another minister plenipotentiary from the United States, until after the redress of the grievances demanded of the American government, and which the French Republick has a right to expect from it." To this resolution we have seen the directory adhere ; and we have also seen, in the demands it made to our envoys extraordinary, as the *indispensable preliminaries* to any negotiation, what it meant by a " redress of grievances," prior to the reception of a minister from America : it consisted in a *douceur* for the pocket of the directors and ministers—in the purchase at par of thirty-two millions of Dutch *securities*, then worth but half that sum—and in *loans* as immense and indefinite as their depredations on our commerce.

The same letter from the French minister De La Croix to Mr. Monroe, affords another proof of the aim and endeavours of the French government to *separate* the *people* from the government of the United States. In the sentence next following the above quoted passage, Mr. De La Croix says, " I pray you to be persuaded, citizen minister, that this determination having become necessary, allows to subsist between the French Republick and the American *people* the affection founded upon former benefits and reciprocal interests."

If I were to allow myself to make any further reflections on the conduct of France towards the United States, it would be to illustrate the truth of Mr. Barlow's assertion, *that the French government determined to FLEECE us*. If the French government " listened (as Mr. Talleyrand says it does) to nothing but justice," and really desired a reconciliation, it would have proposed to *fix some measure of satisfaction* for the injuries it said it had received. Or if too proud to propose to us, at least it would have prescribed to itself, some limit to *reprisals* : or at any rate,



it would not have spurned us from its presence, when we respectfully presented ourselves, sought a reconciliation, and offered to make a just satisfaction for every injury we had committed. And if (as Mr. Talleyrand asserts) "the French government has not ceased to offer the exact justice it demands," it would also have permitted us to state our claims.—But it would have been so easy to ascertain all the damages we had done; and their amount would have been so small; even if we agreed to pay for all English, Spanish and Dutch vessels brought by French cruisers into our ports, while all those nations were at war with France—a few of which the justice of the federal courts, *in vindication of the sovereignty of the United States*, rescued from the hands of the French consuls, agents and privateersmen; and if to that amount we also added ten times the value of the miserable corvette *Le Cassius*, a vessel which had been unlawfully fitted out for war in the United States, but which has been the burden of every note from Adet's in 1795, to De La Croix's and Talleyrand's in 1796 and 1798, the amount of the whole, it was known, would be so *small*—the French government did not choose to have it *ascertained*: for then the injuries done by the French to the commerce of the United States must also have been examined and adjusted: and when adjusted, *payment* must have been made or stipulated: but in this, the French government, doubtless thought "it would find only a real disadvantage:" the amount of its own demands deducted from those of America, would hardly seem to have diminished the latter.

Such a mutual adjustment would also have been accompanied with a settlement of all questions and disputes about the construction of treaties, and all other subjects of difference: But in this also the French government, upon its own system, "would have found a real disadvantage." For it would have vastly reduced the field for privateering in the European seas; and in the West Indies it would have been nearly annihilated: for there, for every vessel taken from the *enemies* of France, her cruisers have probably captured twenty belonging to the *United States*. But the French government, by always abstaining from making specifick demands of damages—by refusing to receive our ministers—by at length proposing to negotiate in a mode which it knew to be impracticable,—with the person who

had no powers, and who therefore constantly refused to negotiate—and thus wholly avoiding a negotiation—it has kept open the field for complaints of wrongs and injuries, in order, by leaving them undefined to furnish pretences for unlimited depredations.—In this way “it determined to *fleece* us :” In this way it gratified its *avarice and revenge*—and it hoped also to satiate its *ambition*. After a long series of insults unresented, and a patient endurance of injuries aggravated in their nature and unexampled in their extent—that government expected our final submission to its will. Our resistance has excited its surprise ; and as certainly increased its resentment. With some soothing expressions, is heard the voice of wounded pride. Warmly professing its desire of reconciliation, it gives no evidence of its sincerity ; but proofs in abundance demonstrate that it is not sincere. From standing erect, and in that commanding attitude requiring implicit obedience,—cowering, it renounces some of its unfounded demands. But I hope we shall remember “that the tyger crouches before he leaps upon his prey.”

TIMOTHY PICKERING.

Department of State, January 18, 1799.

*Department of State, January 24, 1799.*

SIR,—Since the printing of my report on French affairs, having noticed an error in the 20th page, which led to another in the 21st, I have represented the same to the President of the United States, who has directed me to communicate the same to you, for the information of the Senate.

In page 20,\* lines 10 and 11, from the bottom—instead of the words in the parenthesis (about the consular convention) should have been inserted the words (about the examination of reciprocal damages.)

In page 21,\* beginning in the 21st line, after the word *ostensible*, the next sentence should read thus : In the minister's last mentioned letter after saying that his “second point” (to fix the meaning of the treaties between the two countries) was most important, “as it embraced the source of all the differences,” and that to this they should

[\* See page 260, lines 34 and 35—and page 261, line 20, of this vol.]

first attend—he purposely passes by the most interesting questions which it involves, and sends Mr. Gerry a note on the *consular convention*, of all possible subjects in difference the most insignificant; &c.

I have the honour to be, &c.

TIMOTHY PICKERING.

The Hon. the President of the Senate  
of the United States.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. JAN. 28, 1799.

AN edict of the executive directory of the French Republick of the 29th of October, 1798, enclosed in a letter from our minister plenipotentiary in London of the 16th of November, is of so much importance that it cannot be too soon communicated to you and the publick.

JOHN ADAMS.

*Extract of a Letter from Rufus King, Esq. Minister Plenipotentiary of the United States at London, to the Secretary of State, dated November 16, 1798.*

“THE annexed arret would appear extravagant and incredible, if it proceeded from any other authority; but mankind is so accustomed to the violence and injustice of France, that we almost cease to express our surprise and indignation at the new instances that she continues to display.”

The executive directory, upon the report of the minister of foreign relations, considering that the fleets, privateers and ships of England and Russia are in part equipped by foreigners—

Considering that this violation is a manifest abuse of the rights of nations, and that the powers of Europe have not taken any measures to prohibit it. Decrees,

1st. Every individual, native (ou originaire) of friendly countries, allied to the French Republick or neutral, bearing a commission, granted by the enemies of France, or making part of the crews of ships of war and others, enemies, shall be by this single fact declared a pirate, and treated as such, without being permitted in any case to allege that he had been forced into such service, by violence, threats or otherwise.

2d. The executive directories of the Batavian, Ligurian, Cisalpine and Roman Republicks shall be instructed to this effect.

3d. The provisions contained in the first article shall be notified to those powers which are neutral or allied to the French Republick.

4th. The minister of exterior relations is charged with the execution of the present arret which shall be printed in the bulletin of the laws.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. FEB. 15, 1799.

IN pursuance of the request in your resolve of yesterday, I lay before you such information as I have received touching a suspension of the arret of the French Republick communicated to your House by my message of the 23th of January last. But if the execution of that arret be suspended, or even if it were repealed, it should be remembered that the arret of the executive directory of the 2d of March, 1797, remains in force; the third article of which subjects explicitly and exclusively American seamen to be treated as pirates, if found on board ships of the enemies of France.

JOHN ADAMS.



*Extract of a Letter from Rufus King, Esq. Minister Plenipotentiary, &c. to the Secretary of State. London, Nov. 28, 1798.*

ANNEXED I send you a copy of a note from lord Grenville, respecting the French arret transmitted to you with my No. 9. A late French paper contains a second arret which postpones the execution of the first.

*Lord Grenville to Mr. King.*

THE undersigned, his majesty's secretary of state for foreign affairs, has the honour of communicating to Mr. King, minister plenipotentiary for the United States of America, for the information of his government, that by a decree published officially at Paris, it appears to have been declared in the name of the French directory, that every person being a native of or originally belonging to neutral countries, or to such as are in amity and alliance with the French Republick, who shall bear any commission under his majesty; or who shall form a part of the crews of any British ships of war or other vessels, should, on the proof of that fact alone, be considered and treated as a pirate, and that it has been ordered that this resolution shall be notified to the neutral powers and to those in alliance with France.

Even this decree, contrary as it is to the usages of every civilized nation, cannot excite any surprise, as proceeding from those in whose name it has been published. To the different powers who are thus insulted, and whose innocent subjects are exposed to the most cruel treatment on the part of a government professing friendship or alliance with them, his majesty must leave it to adopt such measures as they will, without doubt, judge necessary, in the case of an outrage hitherto unexampled in the history of the world.

The king however feels, that protection is also due from him to those who sail under his flag, either in his majesty's ships of war or in other British vessels; his majesty has therefore not hesitated to direct it to be signified to the commissary for French prisoners in Great Britain, that

the first instance of the execution of this decree, shall be followed by the most rigorous retaliation against the French prisoners whom the fortune of war has already, or may hereafter place at the king's disposal.

It would certainly never be but with extreme reluctance that the king could yield to the painful necessity of exposing so many unfortunate individuals to the fatal but inevitable effects of this atrocious decree ; but his majesty will have at least the satisfaction of feeling that nothing has been omitted on his part to prevent its execution, and that the authors of it can alone be considered responsible for all its guilt and all its consequences.

GRENVILLE.

Downing Street, Nov. 27, 1798.

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## SPEECH

OF THE PRESIDENT OF THE UNITED STATES, TO BOTH  
HOUSES OF CONGRESS. DEC. 3, 1799.

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

It is with peculiar satisfaction, that I meet the sixth Congress of the United States of America.—Coming from all parts of the Union, at this critical, and interesting period, the members must be fully possessed of the sentiments and wishes of our constituents.

The flattering prospects of abundance, from the labours of the people, by land and by sea ; the prosperity of our extended commerce, notwithstanding interruptions occasioned by the belligerent state of a great part of the world ; the return of health, industry and trade, to those cities, which have lately been afflicted with disease ; and the various and inestimable advantages, civil and religious, which, secured under our happy frame of government, are continued to us, unimpaired ; demand of the whole American people, sincere thanks to a benevolent Deity, for the merciful dispensations of his Providence.

But, while these numerous blessings are recollected, it is a painful duty to advert to the ungrateful return, which has been made for them, by some of the people, in certain counties of Pennsylvania, where, seduced by the arts and misrepresentations of designing men, they have openly resisted the law, directing the valuation of houses and lands. Such defiance was given to the civil authority as rendered hopeless, all further attempts, by judicial process, to enforce the execution of the law; and it became necessary to direct a military force to be employed, consisting of some companies of regular troops, volunteers, and militia, by whose zeal and activity, in co-operation with the judicial power, order and submission were restored, and many of the offenders arrested. Of these, some have been convicted of misdemeanors, and others, charged with various crimes remain to be tried.

To give due effect to the civil administration of government, and to ensure a just execution of the laws, a revision and amendment of the judiciary system is indispensably necessary. In this extensive country, it cannot but happen, that numerous questions respecting the interpretation of the laws and the rights and duties of officers and citizens, must arise. On the one hand, the laws should be executed; on the other individuals should be guarded from oppression: neither of these objects is sufficiently assured, under the present organization of the judicial department, I therefore earnestly recommend the subject to your serious consideration.

Persevering in the pacifick and humane policy, which had been invariably professed, and sincerely pursued by the executive authority of the United States; when indications were made, on the part of the French Republick, of a disposition to accommodate the existing differences between the two countries, I felt it to be my duty to prepare for meeting their advances, by a nomination of ministers upon certain conditions which the honour of our country dictated, and which its moderation had given it a right to prescribe. The assurances which were required of the French government, previous to the departure of our envoys, have been given, through their minister of foreign relations; and I have directed them to proceed on their mission to Paris. They have full power to conclude a treaty, subject to the constitutional advice and consent

of the Senate. The characters of these gentlemen, are sure pledges to their country, that nothing incompatible with its honour or interest, nothing inconsistent with our obligations of good faith or friendship to any other nation, will be stipulated.

It appearing probable, from the information I received, that our commercial intercourse, with some ports, in the island of St. Domingo might safely be renewed, I took such steps as seemed to me expedient to ascertain that point. The result being satisfactory, I then, in conformity with the act of Congress on the subject, directed the restraints and prohibitions of that intercourse to be discontinued, on terms which were made known by proclamation. Since the renewal of this intercourse, our citizens trading to those ports, with their property have been duly respected, and privateering from those ports has ceased.

In examining the claims of British subjects by the commissioners at Philadelphia, acting under the sixth article of the treaty of amity, commerce and navigation, with Great Britain, a difference of opinion, on points deemed essential, in the interpretation of that article has arisen between the commissioners appointed by the United States, and the other members of that board, from which the former have thought it their duty to withdraw. It is sincerely to be regretted, that the execution of an article produced by a mutual spirit of amity and justice, should have been thus unavoidably interrupted. It is, however, confidently expected, that the same spirit of amity and the same sense of justice in which it originated, will lead to satisfactory explanations. In consequence of the obstacles to the progress of the commission in Philadelphia, his Britannick majesty has directed the commissioners appointed by him, under the seventh article of the treaty, relating to British captures of American vessels, to withdraw from the board sitting in London: but with the express declaration of his determination to fulfil with punctuality and good faith, the engagements, which his majesty has contracted by his treaty with the United States; and that they will be instructed to resume their functions, whenever the obstacles, which impede the progress of the commission at Philadelphia, shall be removed. It being in like manner, my sincere determination, so far



as the same depends on me, that with equal punctuality and good faith, the engagements contracted by the United States, in their treaties with his Britannick majesty, shall be fulfilled, I shall immediately instruct our minister at London to endeavour to obtain the explanations necessary to a just performance of those engagements, on the part of the United States. With such dispositions on both sides, I cannot entertain a doubt, that all difficulties will soon be removed, and that the two boards will then proceed and bring the business committed to them respectively, to a satisfactory conclusion.

The act of Congress, relative to the seat of the government of the United States, requiring that on the first Monday of December next, it should be transferred from Philadelphia, to the district chosen for its permanent seat, it is proper for me to inform you, that the commissioners appointed to provide suitable buildings for the accommodation of Congress, and of the President, and of the publick offices of the government, have made a report of the state of the buildings designed for those purposes in the city of Washington; from which they conclude that the removal of the seat of government to that place, at the time required, will be practicable, and the accommodation satisfactory. Their report will be laid before you.

*Gentlemen of the House of Representatives*,—I shall direct the estimates of the appropriations necessary for the service of the ensuing year, together with an account of the revenue and expenditure, to be laid before you. During a period, in which a great portion of the civilized world, has been involved in a war, unusually calamitous and destructive, it was not to be expected, that the United States could be exempted from extraordinary burdens. Although the period is not arrived, when the measures adopted, to secure our country against foreign attacks can be renounced, yet it is alike necessary for the honour of the government, and the satisfaction of the community, that an exact economy should be maintained. I invite you, gentlemen, to investigate the different branches of the publick expenditure:—the examination will lead to beneficial retrenchments; or produce a conviction of the wisdom of the measures, to which the expenditure relates.

*Gentlemen of the Senate, and Gentlemen of the House of Representatives*,—At a period like the present, when mo-

mentous changes are occurring, and every hour is preparing new and great events in the political world ; when a spirit of war is prevalent in almost every nation with whose affairs the interest of the United States have any connection ; unsafe and precarious would be our situation, were we to neglect the means of maintaining our just rights. The result of the mission to France is uncertain : but however it may terminate, a steady perseverance in a system of national defence, commensurate with our resources, and the situation of our country, is obvious an dictate of wisdom. For, remotely as we are placed from the belligerent nations, and desirous as we are by doing justice to all, to avoid offence to any ; nothing short of the power of repelling aggressions, will secure to our country a rational prospect of escaping the calamities of war, or national degradation. As to myself, it is my anxious desire, so to execute the trust reposed in me, as to render the people of the United States, prosperous and happy. I rely, with entire confidence, on your co-operation in objects equally your care ; and that our mutual labours will serve to increase and confirm union among our fellow citizens and an unshaken attachment to our government.

JOHN ADAMS.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. DEC. 5, 1799.

I TRANSMIT to Congress, certain documents which have relation to the communications made on Tuesday, on the subject of the insurrection of Pennsylvania, the renewal of commerce with St. Domingo, and the mission to the French Republick.

JOHN ADAMS.

## RENEWAL OF COMMERCE WITH ST. DOMINGO.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

## A PROCLAMATION.

WHEREAS by an act of the Congress of the United States, passed the 9th day of February last, entitled "an act further to suspend the commercial intercourse between the United States and France, and the dependencies thereof," it is provided, That at any time after the passing of this act, it shall be lawful for the President of the United States, if he shall deem it expedient and consistent with the interests of the United States, by his order, to remit and discontinue for the time being, the restraints and prohibitions by the said act imposed, either with respect to the French Republick, or to any island, port or place, belonging to the said Republick, with which a commercial intercourse may safely be renewed; and also to revoke such order, whenever in his opinion the interest of the United States shall require: and he is authorized to make proclamation thereof accordingly.

*And whereas* the arrangements which have been made at St. Domingo for the safety of the commerce of the United States, and for the admission of American vessels into certain ports of that island, do in my opinion, render it expedient and for the interest of the United States to renew a commercial intercourse with such ports.

*Therefore*, I John Adams, President of the United States, by virtue of the powers vested in me by the above recited act, do hereby remit and discontinue the restraints and prohibitions therein contained, within the limits and under the regulations here following, to wit:

1. It shall be lawful for vessels which have departed or may depart from the United States, to enter the ports of Cape Francois, and Port Republicain, formerly called Port-au-Prince, in the said island of St. Domingo, on and after the first day of August next.

2. No vessel shall be cleared for any other port in St. Domingo, than Cape Francois and Port Republicain.

3. It shall be lawful for vessels which shall enter the said ports of Cape Francois and Port Republicain, after

the thirty-first day of July next, to depart from thence to any port in said island between Monte Christi on the North, and Petit Goave on the West; provided it be done with the consent of the government of St. Domingo, and pursuant to certificates or passports expressing such consent, signed by the consul general of the United States, or consul residing at the port of departure.

4. All vessels sailing in contravention of these regulations, will be out of the protection of the United States, and be moreover liable to capture, seizure, and confiscation.

Given under my hand and the seal of the United States, at Philadelphia, the twenty-sixth day of [L. s.] June, in the year of our Lord 1799, and of the Independence of the said States, the twenty-third.

JOHN ADAMS.

By the President,

TIMOTHY PICKERING, Secretary of State.

#### MISSION TO FRANCE.

*Letter from Patrick Henry, Esq. to the Secretary of State.  
Charlotte County, in Virginia, April 16, 1799.*

SIR,—Your favour of the 25th ult. did not reach me till two days ago. I have been confined for several weeks by a severe indisposition, and am still so sick as to be scarcely able to write this.

My advanced age and increasing debility, compel me to abandon every idea of serving my country, where the scene of operation is far distant, and her interests call for incessant and long continued exertion. Conscious as I am of my inability to discharge the duties of envoy, &c. to France, to which, by the commission you send me, I am called, I herewith return it.

I cannot, however, forbear expressing on this occasion, the high sense I entertain of the honour done me by the President and Senate in the appointment:—and I beg of you, sir, to present me to them in terms of the most dutiful regard assuring them that this mark of their confidence in me, at a crisis so eventful, is a very agreeable and flattering proof of their consideration towards me, and that nothing short of absolute necessity could induce me to



withhold my little aid from an administration, whose abilities, patriotism, and virtue deserve the gratitude and reverence of all their fellow citizens.

With sentiments of very high regard, and unfeigned esteem, I am, sir, &c.

P. HENRY.

TRANSLATION.

*Copy of a Letter dated Paris, 11th Fructidor, 6th year, (August 28, 1798,) from Mr. Talleyrand, as Minister of Exterior Relations, to Mr. Pichon, Secretary of Legation, Hague.*

I SEE with pleasure, citizen, that the intercourse of society has procured you some political conversations with Mr. Murray. I entertain an esteem for that minister. Like all the men at the head of the affairs of the United States, he has received the impressions which the British cabinet has known how to give against us. He thinks the measures of his government just, and supports them: but he possesses reason, understanding, and a true attachment to his country: he is neither French nor English: he is ingenuously an American. I am not at all surprised that he has appeared to you to wish sincerely for the reconciliation of the two republicks. I will, therefore, cheerfully answer the questions you put to me on different points, which appeared to you not to be well established in his mind.

I do not see between France and the United States any clashing of interests, any cause of jealousy. The Americans wish to be fishermen, sailors, manufacturers, and especially husbandmen. In all these points of view, their success is more at the expense of England than us. Why should we be uneasy about them? They aspire to the consolidation of their national existence, and it is to our purpose that they should succeed. In fact, we should have decided upon very superficial views, to sustain their independence, if the matter was to separate them from England merely to leave them finally insulated among themselves, on an extensive sea coast, weak, rivalling, and impoverished by each other, and torn by foreign intrigues. We know that Great Britain would soon have

put together, piece by piece, those scattered shreds, and we should have done nothing useful for ourselves, if so miserable a chance of it were not daily rendered more remote.

What, therefore, is the cause of the misunderstanding, which, if France did not manifest herself more wise, would henceforth induce a violent rupture between the two Republicks? Neither incompatible interests, nor projects of aggrandizement divide them. After all, distrust alone has done the whole. The government of the United States has thought, that France wanted to revolutionize it. France has thought, that the government of the United States wanted to throw itself into the arms of England. It does not require much skill to divine which is the cabinet interested in the two events producing each other, and which invisibly puts in motion all the expedients calculated to make them take effect. Let us open our eyes on both sides. I am disposed to admit that the conduct of the government of the United States may be explained by other causes than those heretofore presumed. But let it on its part understand, that the French government, wounded as it may be, is too wise to entertain the views of disturbance which the other supposes. It concerns a Republick, founded on the system of representation, to support and not to weaken similar establishments. The stability of this system abroad is a necessary example at home.—France, in fine, has a double motive, as a nation and as a Republick, not to expose to any hazard the present existence of the United States.—Therefore it never thought of making war against them, nor exciting civil commotions among them: and every contrary supposition is an insult to common sense.

These fundamental principles being established, it is natural to ask by what fatality a good understanding was not long since restored.—It was because irritation being mingled with distrust, neither party yielded to real conciliatory inclinations.—In the United States it was supposed that the French government was temporizing, in order to strike the blow with greater certainty; whence resulted a crowd of measures more and more aggravating.—In France it was supposed that the government of the United States wished only the appearances of a negotia-

tion, whence resulted a certain demand for pledges of good faith.

Let us substitute calmness for passion, confidence for suspicions, and we shall soon agree.—I used my endeavours to enter upon a negotiation in this spirit with Mr. Gerry.—My correspondence with him, until the day of his departure, is a curious monument of advances on my part and of evasions on his.—It is wrong to think that I confined myself to vague protestations.—Among that series of official letters, which will doubtless be published at Philadelphia, I select one of the 30th Prairial, wherein you will see that I make very positive propositions, without any mixture of preliminary conditions. This letter was followed by three notes upon the articles to be discussed, and I intended to complete the others in this manner, if Mr. Gerry had not refused to answer thereto.

When it became necessary to abandon the idea of treating with that envoy, who thought it important only to know how a negotiation might thereafter be resumed, I gave him the most solemn assurances concerning the reception that a new plenipotentiary would receive. It was far from my thoughts to insinuate that the President should send one from the United States, instead of investing with his powers some one who was in Europe; far less that the envoy should land directly in France instead of announcing it in a neighbouring country.—I wished merely to say that the executive directory was so decided for a reconciliation, that all tampering would be superfluous, that an act of confidence in it, would excite its own.—I should be very badly understood, if there should be found in my expressions, a restriction on the nature of the choice, which the President might make.—I wished to encourage Mr. Gerry, by testimonies of regard, that his good intentions merited.—Although I could not dissemble that he wanted decision, at a moment when he might have easily adjusted every thing.—It does not thence follow that I designated him; I will even avow that I think him too irresolute to be fit to hasten the conclusion of an affair of this kind.—The advantages which I prized in him are common to all Americans, who have not manifested a predilection for England.—Can it be believed that a man who should profess a hatred or contempt of the French Republick, or should manifest himself the advocate of royalty, can inspire the directory with

a favourable opinion of the dispositions of the government of the United States? I should have disguised the truth, if I had left this matter ambiguous: it is not to wound the independence of that government, to point out to a sincere friend of peace, the shoals he ought to avoid.

As to the mediation of the Batavian Republick, and of Spain, I do not know that there is any serious question about it, and it appears to me absolutely useless. The United States might hesitate, in the present state of things, to refer themselves to their impartiality, and besides, I perceive no subject which may not be arranged directly.

I know that the distance which separates France and the United States opens a vast field for incidents, and there have been but too many of them. But the executive directory is unshaken in the conduct, which may best obviate them. The excess even of provocations has deadened their effect. The government of the United States surrounds itself with precautions against an imaginary attack. To stretch the hand to deluded friends, is what one republick owes to another, and I cannot doubt that the dignity of that attitude will convince the President of our pacifick intentions.

The two governments ought above all to be attentive to indirect attempts to alienate them still more. Their prudence will secure this object, and I shall cite but one example of it. You have told Mr. Murray the truth respecting Dr. Logan. But I perceive, that on all hands it is attempted to produce a belief in America, that we are negotiating with him. On the 7th of this month a very insidious paragraph was inserted in the "Bién Informé." It is therein intimated that, guided by the citizen Thomas Paine, Dr. Logan has made application to the executive directory, in the character of secret agent. The doctor has complained bitterly of it to me. He has no need of justifying himself concerning a matter, the falsity of which I know better than any body: but he assured me, that having once only met Thomas Paine, at the house of a third person, he found him so prejudiced against the United States, and so opinionative, with respect to an influence he neither possesses among them nor us, that he abstained from conversing any more with him. Moreover, to cut short all misunderstanding, I engaged Dr. Logan to postpone till another time the experiments he proposes to make



on agriculture, and to return home. As to Mr. Hitchborn of Massachusetts, I was even ignorant till now that he was in Europe. A single word will suffice for the rest.

We want nothing but justice on the part of the United States : we ask it : we offer it to their government : it may depend upon the candour of the executive directory.

You will not doubt, citizen, that I approve of the communications which your zeal has caused you to seek with Mr. M. since I enable you to resume them with official elucidations, &c. &c. &c.

CH. MAU. TALLEYRAND.

[This letter was received from Mr. Murray, without the French original.]

*The Minister of Exterior Relations, to Citizen Pichon, Secretary of Legation of the French Republick, near the Batavian Republick. Paris, the 7th Vendemiaire of the 7th year of the French Republick, one and indivisible (Sept. 28, 1798.)*

I HAVE received successively, citizen, your letters of the (8th and 13th September,) 22d and 27th Fructidor—They give me more and more cause to be pleased with the measure you have adopted, to detail to me your conversations with Mr. Murray—those conversations at first merely friendly, have acquired a consistency, by my sanction, transmitted to you on the 11th Fructidor, (28th August,) I do not regret that you have trusted to Mr. Murray's honour a copy of my letter.—It was intended only for you ; and it contains nothing but what is conformable to the government's intention. I am fully convinced that should explanations once take place with confidence between the two cabinets, irritation would cease, a number of misunderstandings would disappear, and *the ties of friendship would be the more strongly united, as both parties would be made sensible what hand had attempted to disunite them.* But I do not conceal from you that your letter of the 2d and 3d Vendemiaire, (23d and 24th September.) this moment arrived, surprises me much—what Mr. Murray is still doubtful of, has been very explicitly declared, before even the President's message to Congress of the 3d Messidor. (21st June,) was known in France—I had written it to Mr. Gerry, namely on the 24th Messidor, (12th July,) and 4th Thermidor ; (July 22d.) I repeated it to him before he set off.—

A whole paragraph of my letter to you of the 11th Fructidor, (28th August,) of which Mr. Murray has a copy, is devoted to develop still more the fixed determination of the French government.—*According to these bases, you were right to assert that whatever plenipotentiary the government of the United States might send to France in order to terminate the existing difference between the two countries, he would be undoubtedly received with the respect due to the representative of a free, independent, and powerful nation.*

I cannot persuade myself, citizen, that the American government need any further declaration from us, to take the resolution, in order to renew the negotiations, to adopt such measures, as would suggest their wish to bring the differences to a peaceable end—If misunderstandings on both sides have prevented former explanations reaching that end, it is presumable that these misunderstandings being done away nothing henceforth will raise any obstacle to the reciprocal dispositions—The President's instructions to his envoys at Paris, which I have only been acquainted with, by the copy given to you by Mr. Murray, and by me received the 21st Messidor, (9th July,) announce, if they contain the whole of the American government's intentions, dispositions, which can only add to those the directory has always entertained: And notwithstanding the posterior acts of that government, notwithstanding the irritating and almost hostile measures which they have adopted, the directory has shown that it persisted in the dispositions consigned as well in my correspondence with Mr. Gerry, as in my letter to you of the 11th Fructidor, and which I have herein before repeated in the most explicit manner—carry therefore, citizen, to Mr. Murray these positive expressions to convince him of our sincerity, and request him to transmit them to his government.

I presume, citizen, that this letter will find you at the Hague. If not, I ask, it may be sent back to you at Paris.

Salute and fraternity,

CH. MAU. TALLEYRAND.

## No. 22.

*Department of State, Philadelphia, March 6, 1799.*

SIR,—I enclose a commission constituting you in conjunction with the the chief justice Ellsworth and Patrick Henry, Esq. of Virginia, envoys extraordinary and ministers plenipotentiary to the French Republick. By the President's direction I enclose for your information copies of his messages to the Senate of 18th and 25th of March, by the latter of which you will see the motives inducing the nomination of a *commission* for the purpose of negotiating with France, instead of resting the business wholly with you.—This will doubtless be agreeable by relieving you from the weight of a sole responsibility in an affair of such magnitude.

It is the President's desire that you by letter to the French minister of foreign relations, inform him "that Oliver Ellsworth, chief justice of the United States, Patrick Henry, late governour of Virginia, and yourself, are appointed envoys extraordinary and ministers plenipotentiary of the United States to the French Republick, with full powers to discuss and settle by a treaty, all controversies between the United States and France:" But, "that the two former will not embark for Europe until they shall have received from the executive directory, direct and unequivocal assurances, signified by their secretary of foreign relations, that the envoys shall be received in character to an audience of the directory, and that they shall enjoy all the prerogatives attached to that character by the law of nations, and that a minister or ministers of equal powers shall be appointed and commissioned to treat with them."

The answer you shall receive to your letter you will be pleased to transmit to this office.

You will also be pleased to understand it to be the President's opinion, that no more indirect and inofficial communications, written or verbal, should be held with any persons whatever, agents on behalf of France, on the subjects of difference between the United States and the French Republick.—If the French government really desire a settlement of the existing differences, it must take

the course above pointed out : unless the executive directory should prefer sending a minister plenipotentiary to the United States.

I have the honour to be, &c.

TIMOTHY PICKERING.

William Vans Murray, Esq. Minister of the  
United States, at the Hague.

*The Hague, May 5, 1799.*

CITIZEN MINISTER,—It is with the greatest pleasure that I hasten to fulfil the instructions, which I have just had the honour to receive from the government of the United States of America, by informing you that the President has appointed Oliver Ellsworth, chief justice of the United States, Patrick Henry, late governour of Virginia, and William Vans Murray, minister resident of the United States at the Hague, to be envoys extraordinary and ministers plenipotentiary of the United States to the French Republick, with full powers to discuss and settle by a treaty, all controversies been the United States and France; but that the two former (Mr. Ellsworth and Mr. Henry) will not embark for Europe until they shall have received from the executive directory, direct and unequivocal assurances signified by their minister of foreign relations, that the envoys shall be received in character to an audience of the directory, and that they shall enjoy all the prerogatives attached to that character by the law of nations, and that a minister or ministers of equal powers shall be appointed and commissioned to treat with them.

I request you, citizen minister, to lay this subject before your government, and as the distance is so great and the obstacles so numerous in an Atlantick voyage, that you will favour me, as speedily as possible, with the answer which is to lead to such happy and important consequences. Accept, citizen minister, the assurances of my perfect and high esteem.

WM. V. MURRAY.

To the Citizen Talleyrand, Minister of the Exterior Relations  
of the French Republick, &c. &c. Paris.



*The Hague, May 7, 1799.*

DEAR SIR,—On the 4th instant late in the evening, I had the honour to receive your No. 22, containing the commission of envoys.

On the fifth I addressed, precisely agreeably to your instructions, as I conceived, the enclosed letter to Mr. Talleyrand, the minister of exterior relations. You will perceive, sir, that I did not think myself at liberty to go, not only not out of the commas, but beyond them—In one word alone I deviated, in the word, “minister” instead of “secretary” of foreign relations.—No direct nor indirect and inofficial communications written or verbal will be held by me with the French agents on American affairs.

I accept the appointment which it has pleased the President to clothe me with, under a grateful sense of the high honour conferred upon me, so unexpectedly, by this mark of his confidence.—I may be allowed to say, that though I was deeply sensible of the honour conferred by the first nomination, and shall always I hope retain a most grateful recollection of it; yet sir, the new modification of that nomination gave me great pleasure. Always conceiving as I thought I did, that any negotiation with France would be full of anxieties and political perils to the envoys that should be employed by our government, I had no wishes to be engaged in it, and no expectation that I should be: to have a share in it was by me unsought: you will excuse this declaration, because I was instrumental in certain preliminary steps relative to the advances of France, which produced the basis of the appointment.

I sent the original of the enclosed to Mr. Talleyrand by post, another, a copy, to major Mountflorencce to be handed to him, a third to a Mr. Griffith for major M. in case the other failed, to be opened by Mr. G. if major M. should have been out of Paris, and directed Mr. G. to follow the instructions which he would find in the letter to major M. which were to deliver the enclosed to Mr. Talleyrand and take his letter. answer for me, and to send it to me.

As soon as I have the answer of the directory, I shall have the honour of transmitting copies to you, sir, by different ways.

I am, with the greatest respect, &c.

WILLIAM V. MURRAY.

The Hon. Timothy Pickering, Esq. Secretary of State  
of the United States of America.

*The Minister of Exterior Relations, to Mr. William Vans Murray, Minister Resident of the United States, at the Hague. Paris, 23d Floreal, (May 12, 1799) 7th year of the French Republick, one and indivisible.*

I AUGUR too well, sir, from the eagerness you display in fulfilling the instructions of your government, not to hasten to answer the letter I received from you dated the 15th of this month.

The executive directory being informed of the nomination of Mr. Oliver Ellsworth, of Mr. Patrick Henry and of yourself as envoys extraordinary and ministers plenipotentiary of the United States to the French Republick, to discuss and terminate all differences which subsist between the two countries, sees with pleasure, that its perseverance in pacifick sentiments has kept open the way to an approaching reconciliation. It has a long time ago manifested its intentions with respect to this subject. Be pleased to transmit to your colleagues, and accept yourself, the frank and explicit assurance that it will receive the envoys of the United States, in the official character with which they are invested; that they shall enjoy all the prerogatives which are attached to it by the law of nations, and that one or more ministers shall be duly authorized to treat with them.

It was certainly unnecessary to suffer so many months to elapse for the mere confirmation of what I have already declared to Mr. Gerry, and which after his departure I caused to be declared to you at the Hague. I sincerely regret that your two colleagues await this answer at such a great distance. As to you, sir, whom it will reach in a few days, and who understand so well the value of time, when the restoration of harmony between two republicks, which every thing invites to friendship, is in question, be assured that as soon as you can take in hand the object of

your mission, I shall have the honour immediately to send you passports. Accept, sir, the assurances of my very sincere consideration.

CH. MAU. TALLEYRAND.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. FEB. 7, 1800.

IN consequence of your request to me, conveyed in your resolution of the 4th of this month, I directed the Secretary of State to lay before me, copies of the papers intended. These copies, together with his report, I now transmit to the House of Representatives, for the consideration of the members.

JOHN ADAMS.

## REPORT.

*Department of State, Feb. 6, 1800.*

THE Secretary of State, has prepared, as directed, and now respectfully submits to the President of the United States, copies of the papers which probably were contemplated by the House of Representatives in their resolve of the 4th instant; although no requisition, as the resolve supposes, has ever been received, nor any communication made to the judge of the district court of South Carolina, concerning any man by the name of *Jonathan Robbins*. But by the proceedings before that judge, as they have been published, it appears that a seaman named *Thomas Nash*, the subject of the British minister's requisition, did assume the name of *Jonathan Robbins*, and make oath, "That he was a native of the state of Connecticut, and born in Danbury in that state." The Secretary, therefore, besides the copy of the requisition, and the copies of his letter to the judge of the district court of South Carolina, and of the judge's answer, has prepared, and herewith encloses, copies of the certificates of the selectmen and

town-clerk of Danbury, and extracts of letters from admiral sir Hyde Parker, satisfactorily proving, that the *Thomas Nash*, calling himself *Jonathan Robbins*, who, on the requisition of the British minister, was delivered up by the judge aforesaid, with the assent of the President of the United States, *was not an American citizen, but a native Irishman*, who to his other crimes added *perjury*, in the hope, thereby, to escape the punishment due to *piracy* and *murder*. The original certificates of the selectmen and town-clerk of Danbury, are in the Secretary's possession; and he has compared the extract of admiral Parker's letter to Mr. Liston with the original, and the extract of the admiral's letter to the British consul at Charleston, with the passage as recited in the consul's original letter to Mr. Liston. All which is respectfully submitted.

TIMOTHY PICKERING.

No. 1.

[*Copy of a note from Robert Liston, Esquire, Envoy Extraordinary and Minister Plenipotentiary of his Britannick Majesty, to Timothy Pickering, Secretary of State, of the United States.*]

R. LISTON, presents his respects to col. Pickering, Secretary of State.

A seamen of the name of Thomas Nash, having been committed to gaol, in Charleston, (South Carolina) at the instance of his majesty's consul there, on suspicion of his having been an accomplice in the piracy and murder committed on board his majesty's ship *Hermione*, and information of the circumstance having been transmitted to vice admiral sir Hyde Parker, a cutter was despatched to Charleston, with an officer on board, to whom the man was well known, in order that his person might be identified, and that he should be carried to the West Indies for trial. But on the application of the consul for the restoration of Nash, in conformity to the treaty of 1794, judge Bee, and the federal attorney, were of opinion that he could not with propriety be delivered up without a previous requisition on my part made to the executive government of the United States. May I therefore request, sir, that



you will be pleased to lay this matter before the President, and procure his orders that the said Thomas Nash be delivered up to justice.

*Philadelphia, May 23, 1799.*

## No. 2.

*Letter from the Secretary of State to Judge Bee. Department of State, Philadelphia, June 3, 1799.*

SIR,—Mr. Liston, the minister of his Britannick majesty, has requested, that Thomas Nash, who was a seaman on board the British frigate *Hermione*, and who he is informed is now a prisoner in the jail of Charleston, should be delivered up. I have stated the matter to the President of the United States. He considers an offence committed on board a publick ship of war, on the high seas, to have been committed within the jurisdiction of the nation to whom the ship belongs. Nash, is charged, it is understood, with *piracy* and *murder*, committed by him, on board the above mentioned British frigate, on the high seas, and consequently “within the jurisdiction” of his Britannick majesty; and therefore, by the 27th article of the treaty of amity with Great Britain, Nash ought to be delivered up, as requested by the British minister, *provided such evidence of his criminality be produced, as by the laws of the United States, or of South Carolina, would justify his apprehension and commitment for trial, if the offence had been committed within the jurisdiction of the United States.* The President has in consequence hereof authorized me to communicate to you “his advice and request” that Thomas Nash may be delivered up to the consul or other agent of Great Britain, who shall appear to receive him.

I have the honour to be, &c.

TIMOTHY PICKERING.

The Honourable Thomas Bee, Esq. judge }  
of the district of South Carolina. }

## No. 3.

*Letter from Thomas Bee, Esq. to the Secretary of State, dated Charleston, South Carolina, July 1, 1799.*

IN compliance with the request of the President of the United States as stated in your favour of the 3d ult. I gave notice to the British consul that at the sitting of the district court on this day, I would order Thomas Nash, the prisoner charged with having committed murder and piracy on board the British frigate *Hermione*, *on such strong evidence of his criminality as justified his apprehension and commitment for trial*, to be brought before me on *habeas corpus*, in order to his being delivered over agreeable to to the 27th article of the treaty of amity with Great Britain. The consul attended in court and requested that the prisoner should remain in jail until he had a convenient opportunity of sending him away. I have therefore directed that he remain in prison, until the consul shall find it convenient to remove him. I have the honour to be, &c.

THOMAS BEE, District Judge of  
South Carolina.

Hon: Timothy Pickering, }  
Secretary of State. }

## No. 4.

*Danbury, September 16, 1799.*

WE the subscribers selectmen of the town of Danbury, in the state of Connecticut, certify that we have always been inhabitants of said town, and are from forty-five to fifty-seven years of age, and have never known an inhabitant of this town by the name of Jonathan or Nathan Robbins, and that there has not been nor now is any family known by the name of Robbins within the limits of said town.

Certified per

ELI MYGOT,  
EBENEZER BENEDICT,  
JUSTUS BARNUM,  
BENJAMIN HICHCOK.

*Danbury, September 16, 1799.*

THE subscriber late town clerk for the town of Danbury in the state of Connecticut certifies that he kept the town records twenty-five years, viz. from the year 1771 until the year 1796, that he is now 56 years of age, and that he never knew any person by the name of Robbins born or residing in the said town of Danbury during that term of twenty-five years, before or since.

MAJOR TAYLOR.

No. 5.

*Extract of a Letter from Admiral Sir Hyde Parker to Robert Liston, Esq. Envoy Extraordinary and Minister Plenipotentiary of his Britannick Majesty to the United States, dated in Port Royal Harbour, Jamaica, Sept. 9, 1799.*

“I HAVE had the honour of receiving duplicates of your excellency’s letters, numbered 10, 11, and 12, and in answer thereto, acquaint you that in consequence of Nash, one of the ringleaders in the mutiny, murders, &c. on board the *Hermione* being delivered up by the United States to me, he has been tried at a court martial, and sentenced to suffer death, and afterwards hung in chains, which sentence has been put into execution. He acknowledged himself to be an Irishman.

No. 6.

*Extract of a Letter from Benjamin Moodie, Esq. Consul of his Britannick Majesty, at Charleston, (South Carolina) to Robert Liston, Esq. Envoy of his said Majesty, to the United States, dated November 19, 1799.*

In consequence of many obstacles I had to encounter in obtaining the delivery of Thomas Nash, late of his majesty’s ship *Hermione*, and of the numerous publications to the Northward, and in this place, I wrote to admiral sir Hyde Parker, requesting he would be good enough to send me minutes of the court martial, to which he answered under date 13th Sept. last :—“I am to acquaint you

that Nash has been executed agreeable to the sentence of a court martial, and that he confessed himself to be an Irishman : and it further appears by the Hermione's books that he was born at Waterford ; on 21st of Dec. 1792, entered a volunteer on board the Dover, received 3*l.* bounty money, and was removed to the Hermione, 28th of January, 1793. And with respect to transmitting the minutes of his trial, that is not in my power, but rests with the lords of the admiralty only."

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE TO  
TREATY WITH PRUSSIA. FEB. 17, 1800.

[See Vol. Confidential Documents.]

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## SPEECH

OF THE PRESIDENT OF THE UNITED STATES TO BOTH  
HOUSES OF CONGRESS. NOV. 22, 1800.

Gentlemen of the Senate, and  
Gentlemen of the House of Representatives,

IMMEDIATELY after the adjournment of Congress at their last session in Philadelphia, I gave directions in compliance with the laws for the removal of the publick offices, records and property : These directions have been executed, and the publick officers, have since resided and conducted the ordinary business of the government, in this place.

I congratulate the people of the United States on the assembling of Congress at the permanent seat of their government ; and I congratulate you, gentlemen, on the prospect of a residence not to be changed : although there



is cause to apprehend that accommodations are not now so complete as might be wished, yet there is great reason to believe that this inconvenience will cease with the present session.

It would be unbecoming the representatives of this nation to assemble, for the first time, in this solemn temple, without looking up to the Supreme Ruler of the universe, and imploring his blessing.

May this territory be the residence of virtue, and happiness!—In this city may that piety and virtue, that wisdom and magnanimity, that constancy and self-government which adorned the great character whose name it bears, be for ever held in veneration!—Here, and throughout our country, may simple manners, pure morals, and true religion, flourish for ever!

It is with you, gentlemen, to consider whether the local powers over the district of Columbia, vested by the constitution in the Congress of the United States, shall be immediately exercised: if, in your opinion, this important trust ought now to be executed, you cannot fail, while performing it, to take into view the future probable situation of the territory for the happiness of which you are about to provide. You will consider it as the capital of a great nation, advancing, with unexampled rapidity, in arts, in commerce, in wealth and in population; and possessing within itself those energies and resources, which if not thrown away or lamentably misdirected, secure to it a long course of prosperity and self-government.

In compliance with a law of the last session of Congress, the officers and soldiers of the temporary army have been discharged: it affords real pleasure to recollect the honourable testimony they gave of the patriotick motives which brought them into the service of their country, by the readiness and regularity with which they returned to the station of private citizens.

It is in every point of view of such primary importance to carry the laws into prompt and faithful execution, and to render that part of the administration of justice which the constitution and laws devolve on the federal courts, as convenient to the people as may consist with their present circumstances, that I cannot omit, once more, to recommend to your serious consideration the judiciary system of the United States. No subject is more interesting than

this to the publick happiness, and to none can those improvements which may have been suggested by experience, be more beneficially applied.

A treaty of amity and commerce with the king of Prussia, has been concluded and ratified: the ratifications have been exchanged, and I have directed the treaty to be promulgated by proclamation.

The difficulties which suspended the execution of the sixth article of our treaty of amity, commerce, and navigation with Great Britain, have not yet been removed: the negotiation on this subject is still depending. As it must be for the interest and honour of both nations to adjust this difference with good faith, I indulge confidently the expectation that the sincere endeavours of the government of the United States to bring it to an amicable termination, will not be disappointed.

The envoys extraordinary and ministers plenipotentiary from the United States to France, were received by the first consul, with the respect due to their character; and three persons, with equal powers, were appointed to treat with them. Although at the date of the last official intelligence the negotiation had not terminated, yet it is to be hoped that our efforts to effect an accommodation, will at length meet with a success proportioned to the sincerity with which they have been so often repeated.

While our best endeavours for the preservation of harmony with all nations will continue to be used, the experience of the world and our own experience admonish us of the insecurity of trusting too confidently to their own success. We cannot, without committing a dangerous imprudence, abandon those measures of self-protection which are adapted to our situation, and to which, notwithstanding our pacifick policy, the violence and injustice of others may compel us to resort. While our vast extent of sea-coast, the commercial and agricultural habits of our people, the great capital they will continue to trust on the ocean, suggest the system of defence which will be most beneficial to ourselves, our distance from Europe and our resources for maritime strength, will enable us to employ it with effect. Seasonable and systematick arrangements, so far as our resources will justify, for a navy adapted to defensive war, and which may, in case of necessity, be quickly brought into use, seem to be as much recom-

mended by a wise and true economy as by a just regard for our future tranquillity, for the safety of our shores, and for the protection of our property committed to the ocean.

The present navy of the United States, called suddenly into existence by a great national exigency, has raised us in our own esteem; and by the protection afforded to our commerce, has effected, to the extent of our expectations, the objects for which it was created.

In connection with a navy ought to be contemplated the fortification of some of our principal sea-ports and harbours. A variety of considerations, which will readily suggest themselves, urge an attention to this measure of precaution. To give security to our principal ports, considerable sums have already been expended, but the works remain incomplete. It is for Congress to determine whether additional appropriations shall be made, in order to render competent to the intended purposes the fortifications which have been commenced.

The manufacture of arms within the United States still invites the attention of the national legislature: at a considerable expense to the publick this manufactory has been brought to such a state of maturity, as with continued encouragement will supersede the necessity of future importations from foreign countries.

*Gentlemen of the House of Representatives*,—I shall direct the estimates of the appropriations necessary for the ensuing year, together with an account of the publick revenue and expenditure, to a late period, to be laid before you.

I observe with much satisfaction that the product of the revenue during the present year, has been more considerable than during any former equal period. This result affords conclusive evidence of the great resources of this country, and of the wisdom and efficiency of the measures which have been adopted by Congress for the protection of commerce and preservation of publick credit.

*Gentlemen of the Senate, and Gentlemen of the House of Representatives*,—As one of the grand community of nations, our attention is irresistibly drawn to the important scenes which surround us. If they have exhibited an uncommon portion of calamity, it is the province of humanity to deplore and of wisdom to avoid the causes which may have produced it. If turning our eyes homeward, we

find reason to rejoice at the prospect which presents itself; if we perceive the interior of our country, prosperous, free, and happy; if all enjoy in safety, under the protection of laws emanating only from the general will, the fruits of their own labour, we ought to fortify and cling to those institutions which have been the source of much real felicity, and resist, with unabating perseverance, the progress of those dangerous innovations which may diminish their influence.

To your patriotism, gentlemen, has been confided the honourable duty of guarding the publick interests; and while the past is to your country a sure pledge that it will be faithfully discharged, permit me to assure you that your labours to promote the general happiness will receive from me the most zealous co-operation.

JOHN ADAMS.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE TO  
THE FRENCH REPUBLIC. DEC. 22, 1800.

[Cannot be published. Message, &c. recalled, and copy not to be found  
in Secretary of State's office.]

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. FEB. 27, 1801.

I TRANSMIT you a report of the Secretary of State, with sundry documents relative to the subject of your resolution of the twenty-fourth instant.

JOHN ADAMS.



*Department of State, Feb. 27, 1801.*

SIR,—The order of the House of Representatives of the 24th of this month, requesting an account of the depredations committed on the commerce of the United States by vessels of Great Britain, of which complaint has been made to the government, having been referred to this department, I have the honour to transmit herewith an abstract of such cases as have been complained of since the commencement of the year 1800.

The order of the House having fixed no period at which the account it requests is to commence, I have, from a consideration of the short space for which the present session can continue, thought it compatible with their view, to limit the abstract to the time above mentioned.

From various reasons it is to be presumed that many captures have been made, of which no complaint has been forwarded to the government. Under this impression and for the purpose of giving a comprehensive view of the subject, I have thought it not improper to annex to the abstract several extracts of letters from our consuls, and also an extract of a letter from the president of the chamber of commerce at Philadelphia, to the Secretary of the Navy.

I will also take the liberty to observe, that neither the communications from our minister at London, nor my conversations with the charge d'affaires of his Britannick majesty in the United States, would lead to an opinion that any additional orders have been lately given by the British government, authorizing the system of depredation alluded to in the letter from Mr. Fitzsimmons.

I am, sir, &c.

J. MARSHALL.

The President of the United States.

*Department of State, Feb. 27, 1801.*

SIR,—In my report of this day to the President, on the subject of British captures, and which he will have transmitted to Congress, it was accidentally omitted to insert the case of the brigantine Ruby, captain Wrigley, belonging to Mr. Ambrose Vasse, of Philadelphia. This vessel

proceeding for Port-au-Prince, with a cargo consisting of American produce and some German goods, was lately captured by the British ship of war *Tisiphone*, and carried to Jamaica, where, the owner informs me, both vessel and cargo were condemned as enemy's property.

I therefore request that the House will consider this letter as an appendage to my report above alluded to.

I have the honour to be, &c.

J. MARSHALL.

The Hon. the Speaker of the  
House of Representatives.

*Abstract of the cases of capture of American Vessels by British cruisers, of which complaint has been made to the government of the United States, since the 1st of January 1800.*

SHIP *Gadsen*, of Charleston, owned by Frederick Kohn, from Newport to Port Passage, cargo Carolina tobacco, rice, sugar and bees-wax, Spanish tobacco, indigo, cocoa, and hides, taken September 9, 1799, by the British sloop of war *Pheasant*, carried into Halifax, ship and most of the cargo condemned—The reason of condemnation is said by the owner to be, because part of the cargo having been brought from the Spanish colonies, was not landed in America.

Ship *Genet*, of Boston, owned by Nathaniel Fellowes, from Amsterdam to Boston, cargo gin and iron, taken May 14, 1799, by the British ship of war *Director*, carried into Yarmouth, (England) ship, cargo and private adventure condemned—She was coming out of the Texel when blockaded.

Brigantine *Polly*, of Philadelphia, owned by John L. Clark, from Amsterdam to Philadelphia, cargo sundries, taken May 14, 1799, by a blockading squadron off the Texel, carried into Yarmouth (England) supposed to have been condemned—She was coming out of the Texel when blockaded.

Schooner *Susanna*, of Baltimore, owned by Jonathan Harrison, from Baltimore to Havanna, taken September 29, 1799, by the British ship of war *Arab*—Sunk by the officers of the *Arab* chasing with her.

Schooner *Diana*, of Free Town, charterers Gibbs and Channing, Newport, from Newport to Havanna, cargo provisions, taken August 3, 1800, by the *Cleopatra* frigate, carried into Halifax.

Cutter *Crocodile*, of New York, owned by Scott and Seamen, from Curracoa to New York, taken April 5, 1800, by the ship of war *Amiable*, carried into Kingston, (Jam.) part of the cargo was Dutch, the remainder American property. The captors immediately on the capture, made a privateer of the *Crocodile*, and sent her on a cruise.

Ship *Charlotte*, of New York, owned by Henry A. and John G. Castor, from New York to Amsterdam, cargo sugar, coffee, &c. taken April 1800, by the *Cleopatra* frigate, carried into Halifax, vessel and cargo condemned.

Brigantine *Sally*, of Philadelphia, owned by Stephen Girard, from Batavia to Philadelphia; cargo sugar and coffee, taken July 20, 1800, by the *Cleopatra* frigate, carried into Halifax, vessel and cargo condemned—The condemnation appears to be grounded upon the allegation that the owner is a native of France, carrying on a course of trade to a French colony.—N. B. Mr. Girard was naturalized a citizen of Pennsylvania in the year 1777, and has ever since resided in the United States.

Brigantine *Ruby*, of Philadelphia, owned by Chandler Price, from Philadelphia to New Orleans, cargo English and German dry goods and groceries, taken December, 1800, by the privateer Brothers of New Providence.

Schooner *George*, of Baltimore, owned by William Patterson, from Baltimore to Curracoa, cargo gin, flour, linens, &c. &c. taken Oct. 7, 1800, by order of commodore Watkins, of Curracoa, in and at Curracoa—Detained under pretext of ticklenburghs and oznaburghs being contraband.

*Maria*, of Baltimore, owned by James Biays—In October, 1800, put in requisition at Curracoa, and sent to Jamaica by the British.

Sloop *Little Charlotte*, of Bristol, Rhode Island, owned by Charles D'Wolfe, from Bristol to Leghorn, cargo sugar, taken August 2, 1800, by the privateer *Earl of Dublin*, of Halifax, vessel and cargo condemned.

Schooner *Aurora*, owned by R. Johnson & Co. of New York, taken by a privateer of New Providence, cargo

condemned—because part of it consisted of tin plates, as stated by the owners.

Ship *Elizabeth*, owned by J. Codman, of Boston—She appears to have been captured from having broke the law prohibiting the intercourse with France.

Brig *Sea Nymph*, of Philadelphia, owned by Louis A. Tarrascon, from Philadelphia, to St. Andera, cargo coffee, specie, &c. taken by a British letter of marque, carried into Lisbon, acquitted after considerable detention.

Brig *Gracy*, of Baltimore, owned by Rogers and Owings, from Trinidad in Cuba, to Baltimore, cargo sugar, honey and hides, taken January 6, 1801, by the frigate *Retaliation*, of Jamaica, vessel and cargo condemned.

Schooner *Rover*, of Baltimore, owned by Rogers and Owings, from Baltimore to St. Jago, Cuba, cargo flour, wines and dry goods, taken by a French royalist privateer, of Jamaica, condemned.

*Extract of a Letter from William Savage, agent of the United States, at Kingston, (Jamaica) dated June 5, 1800, to the Secretary of State.*

“A NUMBER of American seamen in distress have lately been landed from prizes and ships of war who have been relieved by me; as all American vessels met with either going to or coming from Curracoa, Hispaniola, or South America, are brought in here for adjudication; and in all cases of acquittal the captors appeal which I understand prevents any action being commenced for damages.

I am, &c.”

*Extract of a Letter from John Gavino, Consul of the United States, at Gibraltar, dated November 19, 1800, to the Secretary of State.*

“THE *Venus* of New York, Fairchild, from Naples for Malaga, was immediately liberated.

“The *Susanna*, Spencer, of Charleston, South Carolina, with a cargo of sugar, from said port to Cadiz, brought from Lisbon, where she had been detained upwards of four months for a breach of blockade, attempting to enter Cadiz after warning by Lamouach privateer, Blair, com-



mander, who next day took her. She, prior to Lamouach's first boarding her, was examined by another English privateer who said nothing of the blockade to Spencer; so that he continued for the port to inquire of the ships of war, having doubts of the veracity of Blair's intimation. She was tried here whilst at Lisbon without even the captain being present: I claimed ship and cargo as consul, and protested the proceedings—She is since arrived here and condemned, ship and cargo, without any further trial, or giving Spencer a hearing, so that he has protested the proceeding, and will appeal.

“The other is the Sea Nymph, Philadelphia, M'Kiver, who has also been four months at Lisbon, captured by a letter of marque, the Berrill, captain Toob, from said port of Philadelphia, with coffee, spices, &c. for St. Andero, pretends it to be French property, as that Mr. Tarascon, the owner, had not resided long enough in the United States to be a citizen thereof; nor Mr. Ferulah the supercargo, who went from Lisbon to England on account of the long detention there—he has his certificate of citizenship along with him as I am informed. She is libelled for trial.

I have the honour to be, &c.”

*Extract of a Letter from John Gavino, Consul of the United States at Gibraltar, dated Dec. 14, 1800, to the Secretary of State.*

“THE trial of the Sea Nymph, M'Kiver, came on the 3d instant, when ship and cargo was liberated by a decree of the vice admiralty court; and as damages could not then be ascertained, they are reserved, but I do not as yet find out if the captors mean to appeal.”

*Lisbon, June 27, 1800.*

“SIR,—I am extremely sorry to inform you of the capture of the five following vessels by the British, arrived in this port.

“The brig Peacock, David Crafts master, loaded with 100 butts of Sherry wine, bound from Cadiz to London, with clearance for Altona, the vessel and cargo the sole

property of Ebenezer Parsons of Boston, captured by the Ruse privateer of Guernsey, Paul Bienvenu master.

"The brig King Solomon, James Hewett master, laden with butter, cheese, and iron hoops, bound from Amsterdam to Cadiz. The brig the property of Benjamin Hill of Newport, Rhode Island; the cargo Hamburg account, captured by the lugger Flying Fish, of Jersey, John Le Rouer master.

"The brig Susannah, J. V. Spencer, master, laden with sugar, bound from Charleston, South Carolina, to Cadiz; the brig and cargo the sole property of Blacklock and Bower, and William Milligan, of Charleston; captured by the Ruse privateer of Guernsey, Paul Bienvenu, master, and La Bouch privateer of Gibraltar (owned by Jews in Lisbon.)

"The brig Hind, Daniel Ropes, jr. master, laden with sugar, cocoa and fish, bound from Salem to Cadiz; the brig and cargo the sole property of Joseph White and William Orne, of Salem; captured by his Britannick majesty's frigate Anson, P. C. Durham commander.

"The brig Sea Nymph, James M'Kiver master, laden with coffee, pimento, cloves, cotton, dyewood, &c. bound from Philadelphia to St. Sebastians; the brig and cargo the property of Lewis A. Tarrascon, of Philadelphia; captured by the armed ship Bauvel, John Toole, master.

"The four first captures are made under the idea of Cadiz being a blockaded port; and as the above mentioned privateers have positive instructions from their owners to capture all vessels going to, or coming from Cadiz, and are cruising off that port, I expect this port will soon be filled with neutrals, and among them numbers of our merchantmen. I have written colonel Humphreys to warn our captains at Cadiz, and caution them against coming out of that port for the present.

"The last was captured on suspicion of being French property, as the owner's is a French name, and the supercargo on board, Mr. John Augustine Victor Borrouill, also a French name, but having proved to the captors that the property is bona fide American, from the register of the brig and your certificate of citizenship to Mr. Borrouill, they now pretend to detain her on the letter of instruction from the owner to the supercargo, which the

captors refuse showing me, saying they will try her under our own laws. These vessels are sent in here under pretence of benefit of convoy to England and Gibraltar; but I understand it is the intention of one of the captors to detain the vessel here and forward the papers on to Gibraltar: which of them it is my next will inform you.

"I have written our consul in London for every judicial information he can furnish me with, and whether it is the opinion of sir John Nichols, and sir William Scott, that Cadiz ought to be considered as blockaded, the trade having been carried on unmolested for upwards of twelve months, and his majesty's ships on that station boarding and suffering vessels continually to enter and come out.

I have the honour to be, &c."

THOMAS BULKLEY.

To Timothy Pickering, Esq. }  
Secretary of State. }

*Extract of a Letter from Thomas Fitzsimmons, Esq. Chairman of the Chamber of Commerce, to the Secretary of the Navy, dated Philadelphia, February 17, 1801.*

"By the publick prints you will have seen that a great number of American vessels, bound to and from the Spanish ports in Cuba and on the Main, have been captured by British cruisers. The depredations have so multiplied that without a change in their system, or some protection from our own government, the trade to those places must be entirely abandoned, though forming a very considerable branch of our trade. Premiums of insurance to the Havana have within a few days advanced from ten to thirty per cent. and such is the particular situation of those countries in relation to the British possession, that not one in ten vessels can escape; from New Providence alone, there are above forty privateers who subsist principally by the plunder of the Americans. The practice is, whenever they are met with, to send them into port; if there is found on board any goods, the produce or manufacture of any countries at war with Great Britain, they are condemned, as is bar iron, nails, tin, paints, linseed oil, and any strong linens which are contraband; if the property is found to

belong to any persons who are not native Americans, it is either condemned or held under an interlocutory decree, till proofs can be obtained of the citizenship of the owner; and in every instance the detention and expenses are so great as to reduce the property, for which no pretence for condemnation can be made, so much as hardly to leave it worth pursuing; these practices are the more mortifying, as they either themselves ship the goods of which they plunder the Americans, to the countries to which they do not permit us to carry them, or suffer the people of those countries to come to them and purchase them.

“The proceedings at Jamaica are even more ruinous than at Providence: when they cannot procure a condemnation there, they invariably appeal from the sentence, and as the Americans can no otherways obtain security than by putting their property in possession of people there, the whole is swallowed up by commission and charges.

“These enormities are become so great that the merchants are preparing lists of the captures, and the circumstances attending them, to be laid before the government; but as any redress through that channel must be distant, they take the liberty of suggesting the propriety of granting them stated convoys for that trade. The passage to and from Havanna is so short, that a few national ships might effectually guard it, except the British should disregard the protection of our flag, which we do not suppose will happen; in any event our merchants may be protected from privateers, and it is from those principally that we suffer.

“It is wished that a convoy should sail on the first Monday in every month, from Hampton Road, to which place all the vessels from ports to the eastward of that place might rendezvous. Vessels belonging to native citizens, or loaded with native commodities, need not this protection, but the abatement in the premium in all others will oblige them to take advantage of it.

“If the first was provided to sail early in March, there would be several vessels here ready to avail themselves of it; and probably others at New York and Baltimore. As a measure of this kind may involve consequences of



national importance, I do not feel myself at liberty to urge it further than that you would be pleased to lay it before the President. I can add with confidence that without some protection of this kind, the merchants of the United States must entirely suspend their trade to those countries, or be ruined in attempting to continue it, although it has been among the most valuable branches of commerce."

# INAUGURAL ADDRESS,

OF THE PRESIDENT OF THE UNITED STATES. MARCH  
4, 1801.

Friends and Fellow Citizens,

CALLED upon to undertake the duties of the first Executive office of our country, I avail myself of the presence of that portion of my fellow citizens which is here assembled, to express my grateful thanks for the favour with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge, and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honour, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking. Utterly indeed should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have past, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression. Let us then, fellow citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection without which liberty, and even life itself, are but dreary things. And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotick, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore; that this should be more felt and feared by some, and less by others; and should divide opinions as to measures of safety; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans: we are all federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know indeed that some honest men fear that a republican government cannot be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretick and visionary fear, that this government, the world's best hope, may, by possibility, want energy

to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one, where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the publick order as his own personal concern.—Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels, in the form of kings, to govern him? Let history answer this question.

Let us then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high minded to endure the degradations of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honour and confidence from our fellow citizens, resulting not from birth, but from our actions and their sense of them, enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude and the love of man, acknowledging and adoring an overruling providence, which by all its dispensations proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more fellow citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labour the bread it has earned. This is the sum of good government: and this is necessary to close the circle of our felicities.

About to enter, fellow citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations.—Equal



and exact justice to all men, of whatever state or persuasion, religious or political :—peace, commerce, and honest friendship with all nations, entangling alliances with none :—the support of the state governments in all their rights, as the most competent administrations for our domestick concerns, and the surest bulwarks against anti-republican tendencies :—the preservation of the general government in its whole constitutional vigour, as the sheet anchor of our peace at home, and safety abroad :—a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided :—absolute acquiescence in the decisions of the majority, the vital principle of republicks, from which is no appeal but to force, the vital principle and immediate parent of despotism : a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them : the supremacy of the civil over the military authority :—economy in the publick expense, that labour may be lightly burdened :—the honest payment of our debts and sacred preservation of the publick faith : encouragement of agriculture, and of commerce as its handmaid : the diffusion of information, and arraignment of all abuses at the bar of the publick reason :—freedom of religion ; freedom of the press ; and freedom of person, under the protection of the habeas corpus :—and trial by juries impartially selected. These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages, and blood of our heroes, have been devoted to their attainment :—they should be the creed of our political faith, the text of civick instruction, the touchstone by which to try the services of those we trust ; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty and safety.

I repair then, fellow citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation, and the favour, which bring him into it. Without pretensions to that high confidence you reposed in our first

and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage, is a great consolation to me for the past; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying then on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favourable issue for your peace and prosperity.

TH: JEFFERSON.

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## MESSAGE

OF THE PRESIDENT OF THE UNITED STATES TO BOTH HOUSES  
OF CONGRESS. DECEMBER 8, 1801.

Fellow Citizens of the Senate,  
And of the House of Representatives,

It is a circumstance of sincere gratification to me, that on meeting the great council of the nation, I am able to announce to them on grounds of reasonable certainty, that the wars and troubles, which have for so many years afflicted our sister nations, have at length come to an end; and that the communications of peace and commerce are

once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound, with peculiar gratitude, to be thankful to him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth, and to practise and improve those arts which tend to increase our comforts.—The assurances indeed of friendly disposition received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of the irregularities which had afflicted the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence; and strengthens at the same time, the hope that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candour, and will be considered as founding just claims of retribution for the past, and new assurance for the future.

Among our Indian neighbours also a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the household arts, have not been without success—That they are becoming more and more sensible of the superiority of this dependence for cloathing and subsistence, over the precarious resources of hunting and fishing—And already we are able to announce that, instead of that constant diminution of numbers produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary states, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace; but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The bey had already declared war in form. His cruisers were out. Two had



arrived at Gibraltar. Our commerce in the Mediterranean was blockaded; and that of the Atlantick in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner *Enterprize*, commanded by lieut. Sterret, which had gone out as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element, will, I trust, be a testimony to the world, that it is not a want of that virtue which makes us seek their peace; but a conscientious desire to direct the energies of our nation to the multiplication of the human race; and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of the important function, confided by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding against the exercise of force upon our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are to reduce the ensuing rates of representation and taxation. You will perceive that the increase of numbers, during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We



contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplication of men, susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone : and though the changes in foreign relations, now taking place so desirably for the whole world, may for a season affect this branch of revenue, yet, weighing all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excises, stamps, auctions, licenses, carriages and refined sugars ; to which the postage on newspapers may be added to facilitate the progress of information ; and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the interest of the public debts, and to discharge the principals in shorter periods than the laws, or the general expectation had contemplated. War, indeed, and untoward events may change this prospect of things, and call for expenses which the imposts could not meet. But sound principles will not justify our taxing the industry of our fellow citizens to accumulate treasure for wars to happen we know not when, and which might not, perhaps, happen, but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation, that a sensible, and at the same time, a salutary reduction may take place in our habitual expenditures. For this purpose, those of the civil government, the army and navy, will need revisal. When we consider, that this government is charged with the external and mutual relations only of these states : that the states themselves have principal care of our persons, our property, and our reputation ; constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive : whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to pro-

note. I will cause to be laid before you an essay towards a statement of those who, under publick employment of various kinds, draw money from the treasury, or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial.—Among those who are dependent on executive discretion, I have begun the reduction of what was deemed unnecessary. The expenses of diplomatic agency have been considerably diminished. The inspectors of internal revenue, who were found to obstruct the accountability of the institution, have been discontinued.—Several agencies, created by executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformatations of the same kind will be pursued with that caution which is requisite, in removing useless things, not to injure what is retained. But the great mass of publick offices is established by law, and therefore, by law alone can be abolished. Should the legislature think it expedient to pass this roll in review, and to try all its parts by the test of publick utility, they may be assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge; that it never may be seen here that, after leaving to labour the smallest portion of its earnings on which it can subsist, government shall itself consume the residue of what it was instituted to guard.

In our care too of the publick contributions entrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specifick sums to every specifick purpose susceptible of definition; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money; and by bringing back to a single department all accountabilities for money, where the examination may be prompt, efficacious and uniform.

An account of the receipts and expenditures of the last year, as prepared by the secretary of the treasury, will, as usual, be laid before you. The success which has attended the late sales of the publick lands shows that, with attention, they may be made an important source of receipt. Among the payments, those made in discharge of the principal and interest of the national debt, will show that the publick faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will, of course, be affected by such modifications of the system of expense as you shall think proper to adopt.

A statement has been formed by the secretary at war, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion, their number is as nothing; nor is it considered needful or safe that a standing army should be kept up, in time of peace, for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighbouring citizens, as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading force, it is best to rely not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should, at every session, continue to amend the defects, which from time to time show themselves, in the laws for regulating the militia, until they are sufficiently perfect: nor should we now, or at any time, separate, until we can say we have done every thing for the militia, which we could do, were an enemy at our door.

The provision of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be expected to appear: but just attention to the circumstances of every part of the Union will doubtless reconcile all. A



small force will probably continue to be wanted, for actual service, in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four gun ships as directed by law.

How far the authority given by the legislature for procuring and establishing sites for naval purposes, has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject shall be laid before you. I have, in certain cases, suspended or slackened these expenditures, that the legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on: and five of the seven frigates directed to be laid up, have been brought and laid up here, where, besides the safety of their position, they are under the eye of the executive administration, as well as of its agents, and where yourselves also will be guided by your own view, in the legislative provisions respecting them, which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up, so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbours, more or less advanced, present considerations of great difficulty. While some of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of



the expenses already incurred, and estimates of their future cost, as far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any alteration is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving, when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries, they should appear to need any aid, within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be removed, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several states, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought into their aid.

And while on the judiciary organization, it will be worthy your consideration whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their value, we ought further to consider whether that is sufficiently secured in those states, where they are named by a marshal depending on executive will, or designated by the court, or by officers dependent on them.

I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it; and controls a policy pursued, from their first settlement, by many of these States, and well believed of consequence to their prosperity. And shall we

refuse to the unhappy fugitives from distress, that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required, sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona fide purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavour should be spared to detect and suppress it.

These, fellow-citizens, are the matters respecting the state of the nation, which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the Union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment; nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational conclusion; and by its example, will encourage among our constituents that progress of opinion, which is tending to unite them in object and in will. That all should be satisfied with any one order of things, is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and state governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favourable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of government.

TH: JEFFERSON.

*Extract of a Letter from the Secretary of State, to William Eaton, Esq. Consul of the United States at Tunis. Department of State, Washington, May 20, 1801.*

“THE proofs which have been given by the bashaw of Tripoli, of hostile designs against the United States, have, as you will learn from commodore Dale, determined the President to send into the Mediterranean a squadron of three frigates and a sloop of war, under the command of that officer. Should war have been declared, or hostilities commenced, this force will be immediately employed in the defence and protection of our commerce against the piracies of that regency. It is hoped that the contagion will not have spread to Tunis or Algiers ; but should one or both of them have followed the perfidious example, their corsairs will be equally repelled and punished.

“The policy of exhibiting a naval force on the coast of Barbary, has long been urged by yourself and the other consuls. The present moment is peculiarly favourable for the experiment, not only as it is a provision against an immediate danger, but as we are now at peace and amity with all the rest of the world, and as the force employed would, if at home, be at nearly the same expense, with less advantage to our mariners. The President has therefore every reason to expect the utmost exertions of your prudence and address, in giving the measure an impression most advantageous to the character and interests of the United States. In effecting this object, the means must be left in a great degree to your knowledge of the local and other circumstances, which cannot be understood at this distance. You will of course take due pains to satisfy the bey, that the United States are desirous of maintaining peace with all nations, who are willing to live in peace, that they have given abundant evidence of their disposition to cultivate the friendship of the Barbary regencies and of himself in particular, and that if the flag of the United States should be engaged in war with either of them, it will be a war of defence and necessity, not of choice or provocation. You will also give every friendly explanation and assurance on this occasion, which may be requisite for the consuls and agents of other powers residing at Tunis.

“ You are authorized to inform the bey of Tunis, that a vessel is now preparing to take in the cargo, which will complete the regalia due to him, and that no time will be lost in getting her on her voyage.

*Note.*—The same was written to Mr. O’Brien, except the last paragraph, with the following addition:—

“ You will of course take due pains to satisfy the dey, that the United States are desirous of maintaining peace with all nations who are willing to live in peace, that they have given abundant evidence of their disposition to cultivate the friendship of the Barbary regencies, and of himself in particular; that they expect from his good faith an efficacious interposition, according to our treaty with him, for guarantying the treaty with the bashaw of Tripoli.

“ The United States, it appears, will, before you receive this, be three years in arrears to the dey. Towards making up the deficiency, the “George Washington” is under active preparation to carry timber and other stores for at least one annuity. Commodore Dale is charged with thirty thousand dollars, which the President hopes the dey may have been induced to accept as a commutation for the stores due for another. He has also in charge four hundred yards of cloth, and thirty pieces of linen, for the biennial present. Should you not have prevailed on the dey, and should find it still impossible to prevail on him, to accept the thirty thousand dollars in lieu of the stores, without the application of four, five, or six thousand dollars, you will be supplied with that sum, and the sum of thirty thousand dollars will then be made up out of other moneys in the commodore’s hands. Should there be no possibility of inducing the dey to the measure, even with this aid, the whole sum of thirty thousand dollars is to be retained by the commodore. The balance for the remaining, or third year, will be sent as soon as it can be done, either in stores or money as may be agreed. You are already aware how much both the conveniency and interest of the United States will be promoted by substituting money for stores, rating the latter at thirty thousand dollars, as a permanent regulation, and will take due pains to bring about such a change. You may find it perhaps an argument of some weight with the dey for preferring money to stores, that the former can always be remitted



with more punctuality ; and that in times of war such of the latter as are held to be contraband by the European law of nations, may be exposed to captures by which he must be affected as well as the United States. In case you should succeed in the pecuniary commutation proposed, it will be proper in defining the sum of thirty thousand dollars to refer to some standard of weight and fineness in the metal, that will secure the United States against arbitrary regulations of the dey, and quiet his jealousy, if he should have any, of imposition on the part of the United States. The Spanish dollars now in circulation may, for example, answer this purpose.

“ The pretensions set up against the United States in the case of the ship *Fortune*, for indemnification to the owners of the merchandize, with which she was laden, shews the disadvantage of employing our vessels in the freight of Algerine property. You will, therefore, as far as you can, discourage that branch of trade ; and as far as it cannot be done, will take care to repress all expectation or claim whatsoever, to throw on the United States the losses by capture under their flag.

“ One subject of equal importance and delicacy still remains. The sending to Constantinople, the national ship of war, the *George Washington*, by force, under the Algerine flag, and for such a purpose, has deeply affected the sensibility, not only of the President, but of the people of the United States. Whatever temporary effects it may have had favourable to our interests, the indignity is of so serious a nature, that it is not impossible that it may be deemed necessary, on a fit occasion, to revive the subject. Viewing it in this light, the President wishes that nothing may be said or done by you, that may unnecessarily preclude the competent authority from animadverting on that transaction in any way that a vindication of the national honour may be thought to prescribe.”

*Extract of a Letter from the same to James L. Cathcart, Esq. Consul at Tripoli. Department of State, Washington, May 21, 1801.*

“ THE threat of hostilities against the trade of the United States by the bashaw, certified in your communications.

and issuing immediately from the bashaw himself in a translation of his letter of 25 May last, certified by his interpreter Farfara, has determined the President to send into the Mediterranean a squadron of frigates and a sloop of war, under commodore Dale, by whom this is written. You will also receive from him a letter to the bashaw from the President.

“Should war have been declared, or hostilities commenced, before the arrival of this squadron, it will be immediately employed in the defence and protection of our commerce, against the piratical attacks of the bashaw’s corsairs. Should war have been neither declared nor commenced, it is expected by the President that you will exert all your prudence and address in rendering the appearance of the squadron and the letter from the President subservient to the preservation of peace, and to such impressions on the bashaw as will be most favourable to the dignity and interests of the United States. The President relies the more on the zeal and success of these exertions, as the policy of exhibiting a naval force on the coast of Barbary, has long been urged by you and the other consuls. To aid your exertions on this occasion, you will be supplied by commodore Dale, with a sum if necessary which will be communicated by him. In a letter which I have written by the present opportunity to Mr. O’Brien, he is instructed to cultivate the good will of the dey of Algiers, and to call on him for his stipulated interposition as guarantee of the treaty between the United States and the bashaw. You will not fail to make the best use you can of the interposition if it be afforded.”

*THOMAS JEFFERSON, President of the United States of America. To the illustrious and honoured Bey of Tripoli of Barbary, whom God preserve.*

Great and Respected Friend,

“THE assurances of friendship which our consul has given you, and of our sincere desire to cultivate peace and commerce with your subjects, are faithful expressions of our dispositions, and you will continue to find proofs of them in all those acts of respect and friendly intercourse

which are due between nations standing as we do in the relations of peace and amity with each other.

“ At the conclusion of our treaty with you, we endeavoured to prove our respect for yourself, and satisfaction at that event, by such demonstrations as gave you then entire content : and we are disposed to believe that in rendering into another language those expressions in your letter of the 25th of May last, which seem to imply purposes inconsistent with the faith of that transaction, your intentions have been misconstrued. On this supposition we renew to you sincerely assurances of our constant friendship, and that our desire to cultivate peace and commerce with you remains firm and unabated.

“ We have found it expedient to detach a squadron of observation into the Mediterranean sea, to superintend the safety of our commerce there, and to exercise our seamen in nautical duties. We recommend them to your hospitality and good offices, should occasion require their resorting to your harbours. We hope their appearance will give umbrage to no power ; for, while we mean to rest the safety of our commerce on the resources of our own strength and bravery in every sea, we have yet given to this squadron in strict command to conduct themselves towards all friendly powers with the most perfect respect and good order : it being the first object of our solicitude to cherish peace and friendship with all nations with whom it can be held on terms of equality and reciprocity.

“ I pray God, very great and respected friend, to have you always in his holy keeping.

“ Written at the City of Washington, the twenty-first day of May, in the year of our Lord one thousand eight hundred and one.

TH: JEFFERSON.

“ By the President,  
JAMES MADISON, Secretary of State.”

*Form of a Letter which Commodore Dale was directed to write to the Dey of Algiers and the Bey of Tunis.*

May it please your Excellency,

HAVING the honour to command a squadron of observation, despatched by the President of the United States into

the Mediterranean sea, to support the safety of their commerce threatened with attacks by the bashaw of Tripoli, and to exercise our seamen in nautical duty, the instructions that I have received from the President require, that in approaching your harbours I should tender the profound respect that is due to your excellency's dignity and character, and should recommend the squadron under my command, to your hospitality and good offices. I leave to the consul of the United States the task of explaining more particularly the friendly dispositions of the United States towards your excellency, the proofs with which he is charged of their desire to maintain the treaty between the two powers, and the reliance of the President on similar dispositions on your part; for myself I only make use of the occasion to assure your excellency of the sensibility with which I shall experience your friendly countenance and accommodations, and of the sentiments of reverence and exalted esteem with which,

I have the honour to be, your excellency's obedient servant.

[CIRCULAR.]

*Department of State, Washington, May 21, 1801.*

SIR,—For a considerable time past suspicions have prevailed that a rupture with the United States was intended by the bashaw of Tripoli. Of late, the alarms and proofs have been such as to impose on the President the obligation of making immediately the most effectual provision within his authority for the defence and protection of our Mediterranean commerce, in case it should be attacked from that quarter. At the last session of Congress six frigates were directed by law to be kept as a peace establishment.—Out of this force three frigates and also a sloop of war have been equipped and will sail for the Mediterranean in a few days, under the command of commodore Dale. Should war have been declared, or hostilities actually been commenced against our trade, this force will be employed in the most effectual manner for its safety. Should the means which have been or may be employed to obviate the necessity of such an application of the force be successful, the squadron after cruising a sufficient time in the Medi-



terranean, perhaps, if circumstances should not render it inadvisable, as far as the Levant, and towards Constantinople, will return to the United States.

The expedition will by this means, be not without its use, whatever may be the state of things on its arrival. It will have the effect, from which so much advantage has been promised by our consuls and others, of exhibiting to the Barbary powers a respectable specimen of the naval faculties of the United States. It will exercise our mariners and instruct our officers in the line of their service, and in a sea which it may be particularly useful for them to understand.—And as they form a part of the peace establishment, the measure will add but inconsiderably to the expense otherwise to be incurred. The United States being now also happily at peace and amity with all the European powers, the moment is the more favourable in that view of the subject.

The President has thought proper that this early information and explanation should be given to you, that, being fully possessed of the causes and object of the expedition, you may guard it against any misconception or misrepresentation that may by possibility be attached to it : and moreover prepare the government where you are, to lend to this squadron such hospitalities and accommodations in its ports or elsewhere, as opportunities may claim, and as it would be incumbent on the United States to reciprocate.

The friendly disposition felt by the United States towards \_\_\_\_\_ justifies them in their confidence that no convenient proof of a like disposition will be withheld, and of this friendly disposition you are authorized and instructed by the President, on all proper occasions, to give the most explicit and cordial assurances.

I have the honour to be, sir, with great consideration, your most obedient servant.

To Rufus King, London,  
David Humphreys, Madrid.  
William Smith, Lisbon,  
W. V. Murray, Hague.

## [CIRCULAR.]

*Department of State, Washington, May 21, 1801.*

SIR,—The proofs, which have been received, of the hostile purposes of the bashaw of Tripoli, having imposed on the President the obligation of providing immediately for the safety of our Mediterranean commerce, he has judged proper to send to the coast of Barbary a squadron of three frigates and a sloop of war, under the command of commodore Dale. The squadron will sail in a very few days from this date. Should war have been declared or hostilities commenced, commodore Dale is instructed to make the most effectual use of his force for the object to which it is destined. Should the means employed by our consuls, and those which accompany this expedition, for obviating such an event, be successful, the squadron then, after cruising for some time in the Mediterranean, perhaps, if circumstances should not forbid, into the Levant and towards Constantinople, will return to the United States. The expedition will, by this means, be not without its use, whatever may be the state of things on its arrival. It will have the effect, from which so much advantage has been promised by our consuls and others, of exhibiting to the Barbary powers a naval force from the United States. It will exercise our mariners and instruct our officers in the line of their service, and in a sea where more than any other their services may be wanted; and as they form a part of the peace establishment fixed by law, the measure will add but inconsiderably to the expense that would otherwise be incurred. The United States being also happily at peace with all the powers of Europe, the moment is the more favourable in every view that can be taken of it.

The President has thought proper that you should be furnished with the information here given, in order, first, that you may be ready to afford every friendly and useful accommodation that occasions may admit, to the squadron or any part of it: secondly, that being possessed of the objects of the expedition and the considerations which led to it, you may be able by proper explanations to prevent its being misunderstood. The United States persist

steadfastly in their desire of living in peace and friendship with all nations who will permit them, and on all occasions where assurances to that effect can be proper, you are authorized to make them in the most satisfactory manner.

I am, with great consideration, sir, your most obedient servant,

JAMES MADISON.

A copy forwarded to each of the following named consuls: Thomas Bulkeley, consul, Lisbon; John Gavino, Gibraltar; Anthony Terry, (acting) Cadiz; James Simpson, Tangier; William Kirkpatrick, Malaga; William Willis, Barcelona; Robert Montgomery, Alicant; John Matthieu, Naples; Frederick H. Walloston, Genoa; Thomas Appleton, Leghorn; John Lamson, Trieste; Etienne Cathalan, agent, Marseilles.

*Extract of a Letter from James Leander Cathcart, to the Secretary of State. Tripoli, April 18, 1800.*

"I HAD the honour of receiving yours of the 15th of January on the 13th instant, and am happy my conduct has been approved of by the President. Yours to Dr. M'Donogh I delivered to the British consul to forward to him, or to keep until his arrival. I have already informed you that he departed from hence with commodore Campbell last January, in order to solicit the court of Portugal for the consulate of this regency, he having the commodore's promise of recommendations.

"In consequence of the decease of our political father, I sent my drogoman to inform the bashaw that the next day I should hoist the banners of the United States half mast, the only token of respect which I had in my power to pay to the manes of our much beloved patriot, intending to wait a proper opportunity to communicate to him your intimation. The bashaw sent me a very polite message, expressing his concern for our loss, and requesting to know if the President had received his letter, which was forwarded by the Sophia. I answered in the affirmative, and ordered the drogoman to inform his excellency that I would wait on him when he was at leisure.

"In the evening he sent Farfara to inform me that he was indisposed or would have been glad to see me, and requested if I had any thing to impart that I would communicate it to Farfara. I accordingly requested him to express to the bashaw his excellency the President's satisfaction with the arrangements that took place last year, and to assure him that he had never considered him as dependent upon either of the other regencies, that he had always treated him as an independent prince, and the government of the United States would always consider him with as much respect, and treat him with the same friendship that they did the heads of the other regencies. Farfara returned with the following answer. 'His excellency the bashaw has desired me to request you to acquaint the President of the United States, that he is exceedingly pleased with his proffers of friendship; that the respect which he has shewn to his communication is really flattering; that had his protestations been accompanied with a frigate or brig of war, such as we had given the Algerines, he would be still more inclined to believe them genuine; that compliments, although acceptable, were of very little value, and that the heads of the Barbary states knew their friends by the value of the presents that they received from them.'

"It being too late for any answer that evening, I made such comments on the bashaw's message as might serve to eradicate from the mind of the Jew the most distant expectation that the President would ever make so great a sacrifice, which I informed him was entirely incompatible with the interests of the United States.

"Considering it highly improper to delay giving a direct, explicit, and categorical answer to the bashaw's insinuation, I sent my drogoman to the castle to request an audience; I having previously formed a resolution never to employ a third person whenever the honour or the interest of my country was concerned. The drogoman informed me that his excellency had seen Farfara, and if I had any further communication to make, to employ him, as he was very much indisposed. Thus was I disappointed.

"Farfara waited upon me in the afternoon, when I requested him to inform the bashaw, that if he supposed that the cruisers which were sent by our government to Al-



giers were given gratuitously he had been misinformed; that during our negotiation last year I had acquainted him that the frigate was given to that regency in lieu of cash, for the ransom of our citizens, which had been redeemed on credit more than a year before her arrival; that the cruisers were built on commission, and paid for in cash out of the publick treasury, and were not the property of the dey, as he supposed; that I had copies of their accounts by me which he should peruse if he thought proper, whereby he would be informed of the magnitude of his expectation, and the improbability of the United States having given them gratuitously; that I was sensible how disagreeable it would be to disappoint expectations when once formed; I therefore found it my duty to prevent any taking place, in order to avoid the chagrin attending a positive refusal, which, from the nature of the request, must naturally be expected from the President of the United States.

“The bashaw returned in answer, that he had concluded peace with the United States for much less than he had received from other nations, and that he knew his friends by what he received from them.

“I shall by no means broach this subject to the bashaw again, as I have hindered him from having any ground for expectation, and shall continue to act in the same manner, should he ever make it a topick of conversation, as he can have no pretext to make a demand, and only insinuates that he expects some mark of the President’s friendship, more substantial than compliments. I imagine it will be best to take no further notice of it. The appearance of our frigates in the Mediterranean will, I hope, eradicate any expectation that he may have flattered himself with, if any really exists; and until that period, believe me, sir, our commerce will never be upon a respectable footing in these seas.”

*Extract of a Letter from the Same to the Same, dated  
May 12, 1800.*

“GIVE me leave to inform you, in addition to mine of the 18th of April, a copy of which is enclosed with this despatch, that on the twenty-first of said month a board of

consuls were called by the bashaw, relative to the affairs of Sweden, in order to facilitate as much as possible, his depredations and unjust demands upon that nation. As I have already forwarded to you the particulars of their last arrangement, I at present refer you to the copy of the certificate herewith enclosed for the result. During the course of conversation the bashaw observed 'that he never made reprisals on any nation, or declared war, but in consequence of their promises not being fulfilled, or for a want of due respect being shewn him; that he conceived himself entitled to the same respect that was shewn to the bashaws of Algiers and Tunis, but that some nations gave more to the officers in each of those regencies than they had given to him for their peace.' The last remark was evidently pointed at the United States, but as it was made in general terms, I thought proper not to seem to understand it, especially as I could say very little more on the subject than what I had already communicated to him through the agency of signior Farfara.

"On the 2d of May a courier arrived from Tunis, which brought me the copies of your letters of the 15th of January, which arrived in the ship *Hero*. Before I had time to read them, Farfara came and informed me that the bashaw wanted to see me immediately. I asked him if he knew what his excellency wanted; he said he did not, that he had received letters from Tunis, and seemed very much irritated. It being late in the evening, I waited on him in dishabille, when the following conversation took place, which I have endeavoured to render verbatim.

'You have received letters from America: how were they brought to Tunis?

'In a vessel direct from America.

'What is her business at Tunis?

'She has brought the stores stipulated by treaty with that regency.

'What do they consist of?

'I do not know the particular articles which compose her cargo, but it chiefly consists of lumber and articles, such as were promised to your excellency when our peace took place.

‘What do your letters from your government contain?’

‘They are merely copies of what I had already received, the contents of which your excellency was informed by Farfara.’

“This being a favourable opportunity to know whether our broker had acted with candour, I repeated what was contained in mine of the 18th of April, and found by the bashaw’s answers (which were exactly what Farfara had before informed me) that he had acted honestly.

“The bashaw observed that the United States had made liberal presents to Algiers and Tunis, that he was informed of the particulars of all our negotiations, that he even had a list of the cargo which had arrived at Tunis, that it is worth a *treasure*. ‘Why do not the United States send me a voluntary present? They have acted with me as if they had done every thing against their will. First, they solicited the interference of the dey of Algiers, in consequence of which I concluded a peace with them for almost nothing in comparison to what I have received from other nations, I having received many favours from Hassan bashaw, during the continuance of the revolution in this kingdom. They next made me wait more than two years before they sent their consul, and then he came without the stipulated stores. Nevertheless, in order to convince them of my good and friendly intentions, I accepted of the small sum of eighteen thousand dollars in lieu thereof, not doubting but they would be grateful enough to make me some return for my civility; but I have the mortification to be informed that they have now sent a ship load of stores to Tunis, besides promising a present of jewels, and to me they have sent compliments. But I have cruisers as well as Tunis, and as good raizes and sailors. I am an independent prince as well as the bashaw of Tunis, and I can hurt the commerce of any nation, as much as the Tunisians. Why then should so great a difference be made?’

“From the tenour of the bashaw’s harangue I perceived that his aim was to intimidate me to say something that might hereafter be interpreted into a promise of a present, the value of which he would probably dictate himself. I therefore answered him as follows:—

‘Whatever information your excellency has received relative to the value of the presents or stores which have been given to Tunis, it has been amazingly exaggerated. We have never made any but what were stipulated by treaty, nor can we ever make voluntary presents, it being incompatible with our form of government, the funds of the United States not being at the disposal of the President until an appropriation is made by an act of the legislature. The funds for carrying our treaty with Tripoli into effect are exhausted; and last year your excellency wrote to the President of the United States that you were contented with what you had already received. You, therefore, in justice, could not expect any thing at present from the United States, but a reciprocal tender of friendship. Had your excellency preferred the stores to cash, and waited with patience until they were forwarded, as the bey of Tunis has done, I am convinced they would have arrived long ere now. But at present, as the United States have fulfilled the stipulations of the treaty, they are not in arrears to this regency, and any demands upon them must naturally be very unexpected.’ The bashaw observed it was late, had coffee served, and said he would converse with me upon the subject at some other opportunity. I wished him a very good evening.

“May 4, the Siddi Mahomed Daguize, and signior Farfara, came to the American house and informed me that the bashaw had ordered them to ask me if I had taken any resolution in consequence of the conversation which I had with him on the 2d inst. I informed them that I had taken none whatever, and that it seemed unaccountable to me that his excellency should expect any other answer after what I had informed him in their presence. They stayed about an hour, during which time their conversation tended to persuade me that, considering the bashaw’s character, it was certainly the interest of the United States to make a sacrifice; that otherwise it would be impossible to remain long on good terms with him. I made use of the same arguments which I had done before. I, therefore, will not tire you with a repetition.

“At 6 P. M. they returned, and informed that the bashaw was very much displeased, and had ordered them to acquaint me that he was informed that the Sahibtappa at Tunis had



received more than forty thousand dollars from the United States, in cash, besides presents ; that he had received very little more, and that he had never imagined the United States meant to put him on an equality with one of the bey of Tunis's ministers.

“ I observed that the bashaw was misinformed by his correspondent, who, in order to ingratiate himself in his favour, had informed him of things which had never taken place ; that he was giving himself as well as them and me a great deal of trouble, without any hopes of reaping the least benefit therefrom ; that I requested them to inform his excellency that I had not power to offer him a dollar, and that there were no funds in the United States appropriated for maintaining our peace with Tripoli, as we had carried our treaty into effect already ; that he had wrote to the President of the United States, the dey of Algiers, and bey of Tunis, that he had settled with the agent of the United States, and had received a cash payment in lieu and in full of all demands, and that he was content ; that only three years and an half had elapsed since our treaty commenced ; that the first year he had received forty thousand dollars in cash, and the value of eight thousand in presents ; that the second he had received twelve thousand dollars ; and that last year he had received eighteen thousand, and presents to the value of four thousand more : that on the circumcision of his son, Siddi Aly, I had made him a present, superior to the presents which were made him by the consuls of other nations on the same occasion ; that consequently the government of the United States were not deficient either in their respect to him, or tokens of friendship, as he had received in the short period of three years and an half, cash and presents to the amount of eighty-three thousand dollars, exclusive of ten thousand measures of grain which Hassan bashaw had made him a present of, in consequence of his having concluded a treaty with the United States, which was worth at Tripoli near twenty thousand dollars more ; that I was persuaded that if his excellency would give himself the trouble to reflect on the circumstances which had taken place since the commencement of the treaty between the United States and this regency, that he would not hesitate a moment in

acknowledging the justice and propriety of my observations.

“ In the evening the bashaw’s emissaries returned, and informed me that they had encountered great difficulty in persuading the bashaw to believe that the consul had not power to make him a present without an express order from his government. His excellency said that he had received many presents from the consuls of other nations, and that their conduct had afterwards been approved. They observed that the form of government of the United States was vastly different from the government of every other nation, with whom his excellency was at peace ; that he had a recent example that the powers of a consul were limited, in the result of the Swedish consul’s negotiation, he having arranged the affairs of his nation without receiving orders from his court ; that he knew the consequence—his bills were protested, he had received a severe reprimand from the king of Sweden, and was immediately suspended ; and that his excellency might depend that the American consul would take care never to be reduced to a similar predicament, whatever might be the consequence of his non-compliance with his excellency’s demand.

“ They further informed me that the bashaw had ordered them to request me to write to my government, to inform them that when he had wrote to the President of the United States he was contented with what he had received ; that he really was so, on a supposition that the presents to him bore some proportion to those that had been promised to Tunis ; that at present he was informed to the contrary, and that he felt himself amazingly hurt when he considered that he had been treated with indifference ; and that he never would be convinced that the friendship of the United States was sincere until there was a greater equality observed in their donations between the two nations, or in other words, until he received some further marks of the President’s esteem more substantial than mere compliments. They said that although the bashaw was inclined to credit the impossibility of the consul’s making him a present without orders from his court, that he likewise was sensible how much depended on the manner of his representation, that he believed he had treated him with every respect since his arrival at Tripoli,

and he requested I would write in such terms as would insure him from the mortification of being disappointed ; adding, this he expected from the consul as he values my future favour and a happy result to the objects of his mission. I replied that the object contemplated by the United States in sending an agent the vast distance of near 6,000 miles was to endeavour to maintain a friendly intercourse between the two nations on honourable and equitable terms ; that as it had pleased God to employ me as the instrument to promote so desired an effect, he might rest assured I should take pleasure in representing *facts* for the consideration of government in as favourable a manner as the dignity annexed to my office would admit ; that as it would be the height of presumption in me to dictate to the President of the United States what he ought to do in the present case, so on the other hand, I by no means consider it to be a part of my official duty in any means to oppose the liberal intentions of government, should they be found disposed to make him a present, but on the contrary should I receive orders to that effect, I would take pleasure in executing them ; but must again beg leave to repeat that the issue depended on them only. They retired, promised to make a faithful report to his excellency, protested they would use their influence in favour of the United States, and requested me not to close my letters until I heard farther from the bashaw either direct or through their agency.

“ May the 6th, I waited on the bashaw to pay my compliments to him in consequence of the festival ; he treated me with great politeness, but I could easily discern that it was against his inclination ; there was something in his countenance that indicated his smiles were not sincere and ought not to be depended on.

“ May the 10th, Farfara came to the American house, and informed me that the bashaw had concluded to write to the President of the United States himself, as he entertained some suspicion that I would not write to government with sufficient energy ; that the bashaw would send me his letter the first opportunity that should present, to forward it, which he hoped I had no objection to do. I replied, none in the least, and requested Farfara to procure me a copy, if possible, which he promised to do. Having waited until the date of this despatch without hav-



ing heard any thing more on the subject, I hasten to get my despatches in readiness to forward by the first conveyance. Should any thing intervene worthy of notice before I receive the bashaw's letter it shall be the subject of another despatch."

*Extract of a Letter from the Same to the Secretary of State.  
May 27, 1800.*

"SINCE the date of the enclosed despatch, I heard nothing from the bashaw until the evening of the 25th inst. when Siddi Mahomed Daguize sent me the original in Arabic, of which the enclosed is a literal translation. The only conclusion which can be drawn from the bashaw's proceedings is, that he wants a present, and if he does not get one, he will forge pretences to commit depredations on the property of our fellow citizens. His letter to the President will be the means of keeping him quiet until he receives an answer, provided no unnecessary delay is made; as he will expect to reap a benefit therefrom. Should government think proper to make him a present, it will have the desired effect probably for one year, but not longer. I therefore can see no alternative but to station some of our frigates in the Mediterranean, otherwise, we will be continually subject to the same insults which the Imperials, Danes, Swedes, and Ragusans have already suffered, and will still continue to suffer."

*Translated Extract from a Letter of the Bashaw of Tripoli,  
to the President of the United States. May 25, 1800.*

"AFTER having cultivated the branches of our good will and paved the way for a good understanding and perfect friendship which we wish may continue for ever, we make known that the object and contents of this our present letter, is, that whereas your consul who resides at our court in your service, has communicated to us, in your name, that you have written to him, informing him that you regarded the regency of Tripoli in the same point of view as the other regencies of Barbary, and to be upon the same footing of friendship and importance. In order to further strengthen the bonds of a good understanding, blessed be God, may he complete and grant to you his



high protection. But our sincere friend, we could wish that these your expressions were followed by deeds, and not by empty words. You will therefore endeavour to satisfy us by a good manner of proceeding. We on our part will correspond with you, with equal friendship, as well in words as deeds. But if only flattering words are meant without performance, every one will act as he finds convenient. We beg a speedy answer, without neglect of time, as a delay on your part cannot but be prejudicial to your interests. In the mean time we wish you happiness.

“ Given in Tripoli in Barbary, the 29th of the moon Hegia, the year of the Hegira 1214, which corresponds with the 25th May, 1800.”

*Extract of a Letter from the Same to the Same. Tripoli, October 18, 1801.*

“ ON the 16th, I waited upon the bashaw in company with captain Carpenter to demand satisfaction for the insult our flag had suffered in having one of our vessels brought in here without any visible cause, her papers and passport being in perfect order; and likewise to demand restitution of property plundered from the brig.

“ The bashaw answered that he had not given orders to the raize to bring in American vessels; that he had broke him, and dismissed him from his service; and then gave orders to the minister of marine to have every article that was plundered from the brig returned.”

“ The bashaw then commenced thus—‘ Consul, there is no nation I wish more to be at peace with than yours; but all nations pay me, and so must the Americans.’ I answered, ‘ we have already paid you all we owe you, and are nothing in arrears.’ He answered, ‘ that for the peace we had paid him it was true, but to maintain the peace we had given him nothing.’ I observed, that the terms of our treaty were to pay him the stipulated cash, stores, &c. in full of all demands for ever,’ and then repeated nearly to the same effect as is contained in my despatch of the 12th of May, which, to avoid repetition, I forbear inserting. The bashaw then observed, that we had given a great deal to Algiers and Tunis, and that the Portuguese

captain informed him, that when he passed by Algiers about the middle of last month, that he had seen an American frigate in the bay which he supposed had brought more presents to the dey—‘Why do they neglect me in their donations? Let them give me a stipulated sum annually, and I will be reasonable as to the amount.’

“In answer to the first I replied, that it was true that one of our frigates was at Algiers, being one of a squadron of three 44 gun ships and some smaller vessels, which were appointed to protect our commerce in the Mediterranean; but whether they had presents on board for the regency of Algiers, or not, I could not inform him: that some of them would have been at Tripoli before now, had I not informed them that they had better stay away until the spring, upon account of the badness of this road, which renders it very unsafe at this season: and in answer to his proposal of an annuity, I replied with some warmth exactly what I had requested Daguize to inform him of in my name yesterday evening. ‘Well then,’ replied the bashaw, ‘let your government give me a sum of money and I will be content, but paid I will be, one way or other. I now desire you to inform your government that I will wait six months for an answer to my letter to the President: that if it did not arrive in that period, and if it was not satisfactory, if it did arrive, that I will declare *war* in form against the United States. Inform your government,’ said he, ‘how I have served the Swedes, who concluded their treaty since yours; let them know that the French, English, and Spaniards, have always sent me presents from time to time to preserve their peace; and if they do not do the same, I will order my cruisers to bring their vessels in whenever they can find them.’ He then turned to Daguize and told him to explain to captain Carpenter what he had informed me, (they both speaking French) and added ‘that he did not wish to make it a private affair between the consul and him, and desired him to make it publick, as he wished the whole world to know it. He then told Daguize to tell the captain that he hoped the United States would not neglect him, as six or eight vessels of the value of his would amount to a much larger sum than he ever expected to get from the United States for remaining at peace; be-

sides,' said he, 'I have a great desire to have some captains like you here to learn me to speak English.'

"I answered that it was absolutely impossible for to receive answers to the letters which he desired me to write by captain Carpenter in six months, as it would be nearly that time before he would get home, upon account of the winter season; that I expected his excellency would wait until the answer arrived, let that be long or short; and observed that none but those who held a correspondence with the *dévil* could determine whether he would be content with the President's answer, or not; as neither the President nor myself knew what would content him. I therefore requested him to inform me explicitly what was his expectations. To the first he answered 'I will not only wait for answers from your President, but I will now detain the brig and write to him again; but I expect when he sends his answers that they will be such as will empower you to conclude with me immediately; if they are not, I will capture your vessels; and as you have frequently informed me that your instructions do not authorize you to give me a dollar, I will therefore not inform you what I expect until you are empowered to negotiate with me; but you may inform your President, that if he is disposed to pay me for my friendship I will be moderate in my demands.' The bashaw then rose from his seat and went out of the room, leaving me to make what comment I thought proper upon his extraordinary conduct."

*Copy of a Letter from Mr. O'Brien to Captain Bainbridge.*

SIR,—Your letter to me of this date I have received and seriously considered its contents, and shall observe, sir, that from the day the United States ship under your command arrived in this port, and to this day it has been generally supposed that the regency would insist that the United States ship should proceed to the Levant on the business—or mission of this regency.—On the 18th ult. when you went with me to pay your respects to the dey, after a little Algerine ceremony, the dey said he would want this ship as a favour from the United States, to carry his ambassador and presents to Constantinople, and return on the business to Algiers. I observed to the dey, that the captain or consul had no orders or power, which, in



any respects, could justify us in acquiescing in his demand, that without the orders of the United States we could not do any such thing, that we having no orders we could make no responsibility, that the captain could not protect his property against the Portuguese or Neapolitans, that your orders were to return to the United States, and by orders you could only defend your ship against French corsairs. The dey did not seem satisfied with these explanations, that shortly after I repeated nearly the same objections on this business to the Algerine prime minister.

On the 26th ult. the dey sent for me and the British consul, and asked me if I was still determined not to acquiesce in making responsibility and carrying his ambassador and presents. I again repeated all the arguments which I made use of on the 18th ult. and added, as this vessel belonged to the government of the United States, and we having no fixed peace or treaty with the Italian states, or with the grand signior, that this ship and crew would be in a very singular predicament in going to Constantinople on the business of the regency, we having no ambassador or consul at these places. The dey answered passionately, that these were all excuses, that other nations had rendered Algiers the like favours, but that if the British consul would promise faithfully that a British ship of war would come here and go to the Levant on this mission, that under this consideration he would let the American ship return to her country—the British consul, John Falcon, Esq. promised and assured the dey (in my presence) that as lord Keith had promised to send a ship of war on this business that said ship might be daily expected. The dey observed, he would wait a few days before he would fully determine, to see if the British ship would arrive.

The dey remained undetermined until the 3d inst. when arrived at Algiers from Mahon, a British ship of war of 24 guns, sent by the orders of lord Keith, intentionally to carry the ambassador and presents of Algiers to Constantinople. This business seemed finished and settled, in order that the British ship of war, would proceed on the business. But from the 4th inst. to this date, the dey and ministry, and sundry persons of influence started many difficulties relative to the mission of the regency



going in the British ship, and finally objected to go. When this morning the dey came to town from his country seat, and at 10 A. M. sent for me and told me without any alternative, the United States ship should do him the favour to carry his ambassador and presents to Constantinople, that if this favour or demand was not complied with, that he no longer holds to his friendship with the United States.

On my declaring that I or the captain of the United States ship had no orders and could not justify ourselves to our government to acquiesce, the dey got very angry, and declared that he considered every thing we did say or could say to be excuses not to do him the favour he required, and if this favour was not acquiesced to, he knew what to do, that other nations frequently did it, and he could see no reason or motive which should prevent me on the part of the United States, acquiescing to the request.

I again repeated to the dey that I or the captain could make no responsibility on the part of the United States, that we could not think his property safe under the American flag from the capture of his enemies, that the ship sailed dull or heavy, that it was war time, a thousand difficulties might happen. The dey hastily observed that God was great, that all was on his head, that all difficulties would be surmounted.

I again declared that I or the captain had no orders which would in any respect justify ourselves to acquiesce. The dey said he would justify us, and that the ship should go *per force*, and that we had no alternative but to do him this favour, that his mind and his ministry's were soured against the British, and that on this account he rejected the British ship, and would insist his request should be complied with.

The dey said he would send his flag to the marine to be hoisted at the mast head of the American ship. I answered I was very sorry on account of his determination, and withdrew; went and explained to the prime minister all that had passed or was said on this business between the dey and me.

The prime minister observed that the dey's mind was so positively fixed and determined on this affair, that there would be no alternative but to comply to prevent greater

evils, reminding me of several overt acts of this regency to the consuls of other nations and their affairs, that he had tried to prevent the dey from sending the American ship, that it had no effect.

At meridian, I and captain Bainbridge were sent for by the general of marine, when we made use of all those arguments which are heretofore detailed; the general of marine declared that there was no alternative but to comply. After our retiring from the marine half an hour, the general of marine sent to the consular house of the United States to acquaint us that it was the orders of the dey of Algiers, that the flag of Algiers should be hoisted to the main-top-gallant-mast-head of the American ship. That we answered all was *per force*, that we were in their power, and the regency of course might do as they had a mind. Shortly after we determined to see the dey, and sent the American drogoman to acquaint the dey that the consul of the United States, and commandant of the United States ship demanded an audience.

At 2 P. M. we were in the presence of the dey, and stated all those difficulties and all our former objections, that we had no orders, could not justify ourselves, and could make no responsibility. The dey observed that there was no alternative but to comply, that in doing him this favour, that he never would forget it on the part of the United States, and that when he did God would forget him, that he would write to the government of the United States on this business of his making this demand, and assured captain Bainbridge and me that the United States would be highly pleased at the conduct of the consul and commandant in obliging the dey and regency agreeable to the request he made to us as a favour from the United States. We observed to the dey that this was a forced business, that under this idea and for the safety of his presents it would be better that his flag should be hoisted at the fore-top-gallant-mast-head than the main. The dey declared he did not well know this business, but that those at the marine knew the custom, he believed it was at the main.

On this we went to the marine, told the general of the marine that if this United States ship should haul down her pennant, and hoist the Algerine flag at the main, that said ship agreeable to our laws was out of commission,

and would not be considered as a publick ship of the United States, that the Algerine flag would be the same thing at the fore as the main, but to us it made great difference, that by christian laws the ship would be considered as an Algerine property and not as a ship of the United States, that we made this remonstrance and observation to prevent difficulties; on this explanation the general of marine got into a great passion, swore that the proposition and idea was made as an evasive pretence, that the ships of war of Spain and France and other nations, had acquiesced to hoist the Algerine flag at the main, that it was by the flag being hoisted there, that the mission was known and announced at Algiers and Constantinople. I explained to you sir, that it was the custom as I have seen and known, that the French and Spanish ships of war going on the like mission, hoisted at Algiers and Constantinople, the Algerine flag at the main, that at sea he wore his pennant and was more his own master. On this you observed, it being a forced business, that if there was a right to acquiesce to one point, there was no alternative but by the same rule to acquiesce to the other, relative to the flag.

The general of marine and officers of ditto, said if there was not a compliance on this business, agreeable to customs of all nations heretofore, that there no longer existed friendship between this regency and the United States. I observed that I was sorry that the United States had so much reason to know Algiers, and that Algiers had no reason to know the United States.

We went on board, the Turkish flag was hoisted at the main of the United States ship, and was saluted with seven guns as customary.

Painful is the detail, but it contains a narrative of facts. To the truth thereof, witness my hand and seal of office at Algiers, this 9th day of October, 1800.

I am, sir, very respectfully, your most obedient servant,  
RICHARD O'BRIEN.

*Extract of a Letter from Richard O'Brien to the Secretary of State. Algiers, October 22, 1800.*

"As the United States ship Washington, captain Bainbridge, has proceeded *per force*, in fact to save the peace



of the United States with Algiers, to prevent captivity and detention to the ship, officers, and crew, and prevent the pretence of a sudden war and pillage and slavery to the citizens of the United States : I calculate that if said ship goes and comes safe in five months, it will cost the United States 40,000 dollars. This in comparison to what our losses might be if *war*, left me no time to hesitate in the choice of the evils and difficulties which presented fully in view ; in surveying both sides of the coast and how we should stand on both tacks, I found there was no alternative but to proceed.

“ I have made no responsibility, as is customary with all nations, (with) the dey and regency. I am convinced that if an accident should happen to the *Washington* in being captured by any nation, or by being driven on shore, that as soon as this news would reach Algiers, that they would immediately send out their corsairs and send in all American vessels they should meet with, in order to repay themselves for the amount of Algerine property on board the *Washington*—we submitted to it in the affair of the ship *Fortune*, and if the amount in reality was 600,000 dollars the regency would take to the amount of one million of dollars.—It is their custom. Is not it a hard case for us to risk the ship and crew of the United States, and Algiers to force said ship, and if any accident to be liable to difficulties and calamities I have described.”

*Extract of a Letter from Mr. Cathcart to the Secretary of State. Tripoli, January 4, 1801.*

“ ON the 2d inst. in the evening, the banners of Sweden, by the bashaw's request, were hoisted upon the Danish house, and a temporary flagstaff was prepared in order that the customary salute should be fired the next day. When a peace takes place with any nation, it is customary for the different consuls to congratulate the bashaw on the event ; you may judge with what a grace I performed a ceremony so repugnant to my feelings, but it was necessary. I accordingly waited upon his excellency in company with the Danish consul, Swedish ex-consul, Mr. Bohrstrom the present consul, and several others ;—after congratulation, perfumation, fumigation, and drinking of coffee and sherbet were over, commenced the following



litigation :—‘ I have concluded a peace with the Swedes,’ commenced the bashaw, ‘ and I am certain that the king of Sweden is sensible that I was forced to declare war against his nation contrary to my inclination, for had my demands been satisfied in the first instance, I should not have captured their ships and enslaved their people; some nations,’ added he, (meaning the United States) ‘ have used me very ill, they look upon me as nothing, they have recourse to Algiers for all things; I should be glad to know which is thought most of at Constantinople?’—I could easily have solved that doubt, by saying that the dey of Algiers had lately sent presents to the grand signior to the amount of a million of dollars, which were powerful arguments in his favour; but as the conversation was general, I did not conceive it more incumbent on me to answer his prologue than any of the rest of the company, and in fact I could say nothing but what I have communicated already. The bashaw observing my silence, directed his discourse to me, and asked me if I understood the Arabic and Turkish languages, I answered that I had a trifling knowledge of them, but spoke them so miserably that I never used any of them, especially as his excellency and ministers all spoke Italian. ‘ Pray,’ says the bashaw, ‘ what was the present dey of Algiers in the reign of Mahomed bashaw?’ I answered that he was a person very much respected in consequence of his being the cousin of Hassan bashaw, but had no post whatever. ‘ And pray, what was Hassan bashaw at that time.’ First, he was *bik ilharche* of the marine, and afterwards was made prime minister and treasurer in Algiers called the *Hasnagi*. The bashaw turned up his nose with visible signs of contempt, and was going to proceed, when a person informed him that a piece of timber was not to be found in the whole regency large enough to make a flagstaff for the Swedes, unless they took one of the cruisers spars, ‘ It is a difficult thing,’ says the son of Ali bashaw, ‘ to get a flagstaff put up when it once comes down; when the American flagstaff comes down it will take a great deal of grease, (meaning money) ‘ to get it up again; the Danish flagstaff is broke I hear and wants mending with a new one.’ He smiled a ghastly *grin*, and said, ‘ after all, what is twenty thousand dollars a year for a christian nation to pay that has such vast resources. Had I enough to live on

I would not trouble myself with cruisers, although my subjects always wish war, because it is to their advantage. How many raizes,' added he, 'have I that know the way to the Great Sea?' Admiral Morad answered about twenty. There not being I believe one capable but himself, without his accompanying them, shews that the bashaw and his officers pay no great regard to truth.—'Well,' replied his excellency, 'I will find them vessels—In Tripoli, consul, we are all hungry, and if we are not provided for, we soon get sick and peevish.' As the bashaw spoke in metaphors I answered him in the same manner, by saying, that when the chief physician prescribed the medicine, I should have no objection to administer the dose, but until then I could say nothing on the subject. 'Take care,' answered the bashaw, 'that the medicine does not come too late, and if it comes in time that it will not be strong enough.'

*Extract of a Letter from Richard O'Brien to the Secretary of State. Algiers, January 27, 1801.*

"ON the 21st inst. arrived at Algiers, in 23 days from Constantinople, the United States ship the George Washington, William Bainbridge, Esq. commander. The grand signior has detained the Algerine ambassadour sent, and presents, until that the regency of Algiers complies with all his demands, and will have full submission to his orders.

"The presents and funds, which were sent by the Washington, certainly amounted to one and an half million of dollars. A Swede with the dey's nephew arrived at Smyrna with 500,000. This was by the orders of the captain bashaw deposited in the treasury of the grand signior at Smyrna. Another Swede, with the Algerine prime minister's nephew, with at least 400,000 dollars, ran on shore at the island of Candia. This money also has fallen into the possession of the grand signior. Add to this that the hundred Turks who went in the Washington, and are detained at Constantinople, were chiefly the most rich and first men of this regency. These considerations will certainly induce this regency to acquiesce in the demands of the grand signior.

"The dey will make a haul to repay him for his present losses; I hope we shall not be the victims; we are nearly two and an half years in arrear; no funds, we have a valuable unguarded commerce in these seas; we are threatened by all Barbary; therefore we should act with energy, make good our stipulations and annuities, have consular friends (not to be depending on mercenary Jews) and shew force in this sea."

*Extracts of a Letter from Mr. O'Brien to Mr. Smith, Minister Plenipotentiary of the United States, at Lisbon. Algiers, February 7, 1801.*

"Even at this moment I shudder for fear of our valuable vessels and citizens in this sea; so much in arrears, no funds, no corsairs, and threatened by all the dogs of prey.

"Algiers, a pirate state, wants employment for the refractory and for their corsairs. The troubles of the Baltic will scare the Swedes and Danes into port, and we in arrears, no oil in our lamps, no anchors and cables, no corsairs in this sea: we will be the victims: such, sir, is my present fears."

*Extract of a Letter from Mr. Cathcart, to the Secretary of State. Tripoli in Barbary, May 16, 1801.*

"THIS evening (10th May) at 6 P. M. Hadgi Mahomude la Sore, the same that went to Algiers in the Hamdullah, came to the American house, and told me not to be alarmed, for the bashaw had sent him to inform me, that he declared war against the United States, and would take down our flagstaff on Thursday the 14th inst. that if I pleased to remain at Tripoli I should be treated with respect, but if I pleased I might go away. I sent my compliments to the bashaw and informed him that it was my positive instructions not to remain an instant after a declaration of war took place, and that I should charter a vessel to-morrow if possible.

"Thursday 14th, at 1 P. M. Hadgi Mahamude la Sore came to inform me that the Chavux were coming to take our flagstaff down. I waited until the Seraskier arrived, and then sent said la Sore to offer him 10,000 dollars in



addition to what I had already offered, which was rejected by the bashaw, and orders given to cut away the flagstaff.

“ At a quarter past 2 they effected the grand achievement, and our flagstaff was chopped down six feet from the ground, and left reclining on the terrace. Thus ends the first act of this tragedy. I hope the catastrophe may be happy.”

*Extract of a Letter from William Eaton, Esq. Consul of the United States at Tunis, to the Secretary of State. Tunis, December 8, 1800.*

“ On the 25th ult. after having despatched duplicates of my letter from the 1st to the 16th, it was intimated to me that there was an American ship in the road of Porto Farino. Instantly I sent off an express to inquire for facts. On the 27th, I received a note from captain Coffin of the Anna Maria, informing me that he had been ten days in the road, without being able to communicate with the shore, by reason of the weather, which was extremely bad. On the 28th, I asked a boat of the bey, to board her, which he said should be ready on the 30th. Accordingly on the 30th I embarked at Tunis, in an open boat, and arrived on board, ten leagues, at eight in the evening of the same day. On the morning following the 1st December, I had the honour of receiving your letter of the 30th August, covering an invoice and bills of the ship's lading. Yesterday I returned to Tunis. Such part of the cargo as was between decks was chiefly discharged before I left the ship. The *quality* of the articles are acknowledged to be good, but it is objected that the *plank* and the *oars* are *too short*, and the government affect to be dissatisfied, that the keels, guns, and powder, are not come forward. I believe the fact to be, the government is dissatisfied that any thing is come forward. If this opinion requires evidence, I consider it sufficient to state that the United States are the only nation which have at this moment a rich unguarded commerce in the Mediterranean, and that the Barbary regencies are *pirates*. I take to myself the merit of having once more at least suspended an expedition which was prepared for us.—But we are yet deficient, and I am not without apprehension that this deficiency will be resorted (to) as a pretext for surprising our merchantmen;



in which case they might do us incalculable mischief. These are considerations, which, it is supposed, should compel exertions to fulfil our obligations with this regency.

“The immense concessions he has received the summer past from Spain, Denmark, Sicily, Sweden, have so diminished the condition of our peace in his eye, that he says, *It is a trifle for so great a commercial nation, in consideration for the advantages of a free trade in this sea.*

*To all whom it doth or may concern.*

KNOW YE, by these presents, that I James Leander Cathcart, agent and consul for the United States of America, in and for the city and regency of Tripoli in Barbary, finding just cause to complain of Jusef bashaw supreme commandant of said city and regency of Tripoli, and his ministers, towards the government and citizens of the United States of America, and conceiving it my duty to protest against said conduct: Now KNOW YE, that I do hereby protest against the said Jusef bashaw supreme commandant of said city and regency, and against his ministers and counsellors, in behalf of the government of the United States of America, myself and fellow citizens, for the following reasons, viz.

*First.* BE IT KNOWN, that on the 17th of August, 1799, said Jusef bashaw, supreme commandant of the regency of Tripoli, at the instigation of Morad raiz, admiral of the cruisers of this regency, refused to receive the printed passports issued by the consul of the United States of America in this regency in obedience to his orders from government, thereby claiming a superiority or preference to the regencies of Algiers and Tunis, he being duly informed that the said passports were accepted in the same form by the chiefs of said regencies, and in order as is my firm belief to have a pretext to send the merchant vessels belonging to the citizens of the United States into this port for examination, said admiral Morad having publicly declared that he would go to sea with the vessels under his command, without any passport from this office, if they were not modified to his liking, and worded similar to the passports of the British; and the said Jusef bashaw on application being made by the said consul of the United States, refusing to exert his authority, is a clear

and sufficient evidence, that he was accessory to the insolent demand of said Morad, or more properly speaking that said Morad acted, if not by his orders, at least with his tacit consent, thereby forcing the said consul of the United States to deviate from his instructions and to submit from imperious necessity to a humiliation incompatible with the honour and dignity of the nation he has the honour to represent.

*Second.* BE IT KNOWN, that in the month of October 1799, James Leander Cathcart, consul for the United States of America in this regency, having received several bales of cloth to dispose of, that said Jusef bashaw sent the broker Leon Farfara to the consular house, requesting said consul to give him the preference in the sale of said cloth, promising to pay for the same like any other individual, and as cloths were sold of the same quality. I, knowing how he had served the late Venetian and Swedish consuls on a similar occasion, sent said Leon Farfara to inform him that the cloth was not mine, and that I expected to be paid immediately, in order to be enabled to make a remittance to my correspondent, which he the said bashaw promised to do; I therefore confiding in his promise, which I was taught to believe was sacred to all true Mussulmen, and more especially to a prince of the august family of Caramanly, did deliver unto him sundry pieces of cloth to the value of five thousand seven hundred and eighty-seven yuslicks current coin of this regency, which at that time was worth Spanish dollars, two thousand three hundred and fourteen and eighty cents, two yuslicks and one half being then equal to one dollar silver, but at present the coin of this regency having depreciated, owing to the great quantity of alloy mixed in the coinage, a dollar passes for three yuslicks which makes a difference of one fifth part or 20 per ct. that I have repeatedly demanded the above sum and have always been put off from time to time with promises until the 22d day of September 1800, when some oil belonging to said bashaw being selling at publick vendue I sent my drogoman to purchase a barrel for the use of my house, value about eighteen dollars, which the hasnadar refused to give unto him unless I sent the money to pay for it first. I sent the drogoman immediately to the bashaw to know the reason, who repeated the same words, saying the oil was

not his, but belonged to the crew of the cruisers; that if I wanted oil I must first send the cash. I immediately sent for Farfara who had acted as broker in the sale of the cloth, and desired him to demand a positive answer from the bashaw, whether he intended to pay me or not; that I was resolved to be kept no longer in suspense, and offered to take the money at the present value, which is only 1929 dollars, in full of all demands; the bashaw sent the same answer which he had sent above fifty times before, that he would pay me, but at present it was not convenient, and desired Leon Farfara to inform me that if I had a mind I might take one of the Swedish prizes for my money, which I declined. Knowing that he, having a quantity of prizes and other goods on hand for exportation, that he would probably force me to take a cargo of said goods to Leghorn or elsewhere, thereby exposing the United States to become responsible for said goods or their value, should any accident happen to said vessel, in the same manner as the claim originated upon Sweden, which was the first and principal cause of the present war, I therefore have deemed it more expedient to entirely lose the aforementioned sum than to run a risk which might involve my country in a war.

And as it appears from the above detail that the said bashaw never intends to pay me the above sum in cash according to agreement, notwithstanding I have his receipt or promissory note under the great seal of this regency, and I having waited above one year for the payment of the said sum without effect, I therefore debit the United States the said sum in my account current, leaving the government of the said United States to make the said claim a national claim; no individual being bound to be responsible for the arbitrary acts of the chiefs of the Barbary states; at the same time making myself responsible to the United States for said sum or any part thereof which may be recovered from said Jusef bashaw hereafter.

*Third.* BE IT KNOWN, That in the months of May, September, and October, 1800, the said Jusef bashaw supreme commandant of the said regency of Tripoli, having made certain demands upon the United States in direct violation of the 10th article of the treaty existing between the United States of America and the regency of Tripoli,



which the consul of the United States resident here found incompatible with the honour and interest of the nation he represents to comply with, that said Jusef bashaw, in direct violation of the 12th article of the said existing treaty, did publickly declare that he would only wait until he receives answers from the President of the United States of America, which, if not satisfactory, that he would then declare war against said United States, as is more fully explained in my despatches to government, copies of which were forwarded to our consuls at Algiers and Tunis. And whereas it is particularly specified in the 10th article of said treaty, that the money and presents demanded by the bey or bashaw of Tripoli is a full and satisfactory consideration on his part, and on the part of his subjects for said treaty of perpetual peace and friendship, and that no pretence of any periodical tribute or farther payment is ever to be made by either party, and said bashaw of Tripoli having acknowledged the receipt of the money and presents stipulated by said treaty, I find myself justifiable both to God and my country in having refused to comply with the said bashaw's unjust demands upon said United States of America.

AND WHEREAS, it is stipulated in the 12th article of the aforesaid treaty, that in case any dispute arises from a violation of any of the articles of said treaty, no appeal shall be made to arms, nor shall war be declared on any pretence whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, an amicable reference shall be made to the mutual friend of both parties, the dey of Algiers; the parties thereby engaging to abide by his decision; and he by virtue of his signature to the said treaty, having engaged for himself and his successors to declare the justice of the case according to the true interpretation of the said treaty, and use all the means in his power to enforce the observance of the same:—

NOW KNOW ALL MEN by these presents, that I James Leander Cathcart, consul for the United States of America, in said regency of Tripoli, do protest and declare, that the demands made by the bashaw of Tripoli upon the United States of America, are of such a nature, that I cannot settle the dispute arising therefrom; and that I conceive that I should not only be deviating from



my official duty, but likewise acting as an accomplice and in conjunction with the said bashaw of Tripoli, to treat our good friends the dey and divan of Algiers with indignity and disrespect, was I to refrain from making the aforesaid amicable reference. I therefore in virtue of these presents, do make the aforesaid amicable reference, transmitting the whole to the consul general of the United States of America at Algiers, who is possessed of every information relative to the state of our affairs in this regency, having received duplicates of my despatches for the government of the United States; at the same time leaving it at the discretion of the consul general of the United States at Algiers for the time being, to take such measures as he in his judgment may think most likely to promote the interests of the United States, and to maintain the peace of our country with this regency upon honourable and equitable terms.

*Fourth.* BE IT KNOWN, That on the 25th of September, 1800, raiz Amor Shelli, commander of a Tripoline cruiser of 18 guns, captured the American brig Catharine, James Carpenter master, of and from New York and bound to Leghorn, valued at 50,000 dollars or thereabouts; that said vessel was kept in possession of the subjects of Tripoli, until the 15th of October in the evening, and was then delivered up to the consul of the United States, in consequence of the bashaw of Tripoli having wrote a letter to the President of the United States, the purport of which, being already known, needs no repetition; and that said vessel was exposed to much loss and peril, as appears by the master of said brig his protest, already forwarded to our consul general at Algiers; and that said brig was plundered of effects, valued by said master, James Carpenter, at 397 hard dollars, whereof was recovered to the value of 180 dollars, the value of 217 dollars being irrecoverably lost; notwithstanding the bashaw had given positive orders to Hamet raiz, or minister of marine, to cause every article that could be found to be restored to their lawful owner; yet said raiz of the marine did not comply with the bashaw's orders; (and he being the bashaw's brother-in-law, it was out of my power to compel him) but on the contrary prevaricated from day to day, from the 16th to the 21st of October with an intent no doubt to share the spoils with the afore-

said raiz Amor Shelli, and on the night of the 21st inst. sent Ibram Farfara to inform me, that if the brig did not sail by daylight in the morning, that the port would be embargoed, and gave me to understand that if I did not promise to pay him anchorage for said brig, that she would be detained until the embargo should be taken off. This demand I absolutely refused to comply with. On the 22d at daylight I ordered the brig to get under way, and could not get the pilot to go on board until said Ibram Farfara paid the raiz of marine five dollars and seventy-five cents anchorage, which notwithstanding it being an unjust demand I complied with, sooner than have the brig detained one day longer.

I therefore for foresaid reasons, and for each of the aforementioned arbitrary acts, do protest against the aforesaid Jusef bashaw, supreme commandant of the regency of Tripoli in Barbary, and against his ministers and counsellors; but more especially against said Morad raiz, admiral of the cruisers of this regency, for being the cause of my altering the national passports of the United States of America, and against said Hamet raiz, or minister of marine, for the reasons before mentioned, as well as for falsely, insidiously, and slanderously asserting in my presence, and in the presence of captain Carpenter, that the consul general of the United States, Richard O'Brien and the broker or banker of said United States, Micaiah Cohen Bacri, had informed him, when he was last at Algiers, that the government of the United States had alone paid to the house of Bacri & Co. one hundred thousand dollars for their influence, thereby irritating the said Jusef bashaw against the government and citizens of the United States of America, as the said Jusef bashaw seemingly gave credit to the falsehood of said Hamet raiz, and emphatically said that the government of the United States had treated an Algerine Jew better, and with more liberality, than they had the said bashaw of Tripoli, notwithstanding I gave the direct lie without ceremony or hesitation to said Hamet, and told the bashaw that I wondered how he could give credit to so barefaced a falsehood, for even had the United States given the abovementioned sum, the party concerned would be the last people in the world to divulge the same, it not comporting with their honour or interest, especially to Hamet raiz, who was not

only an enemy to the United States, but likewise to his excellency the bashaw of Tripoli, he having by his false insinuations endeavoured to persuade the bashaw to annul the treaty of peace and amity at present subsisting between the said United States and this regency, to the prejudice of his character, honour, and dignity, whose word and signature I had always supposed to have been inviolably sacred; and that said Jusef bashaw, in answer to the above, said, 'you say that Hamet raiz *lies*, and I say he tells truth;' thereby discrediting all I had said, and giving full credit to the imposition of said Hamet raiz, or minister of marine.

NOW KNOW ALL MEN, That for the reasons afore assigned, I James Leander Cathcart, agent and consul for the United States of America, in the regency of Tripoli, having shewn sufficient cause to enter this protest against the said Jusef bashaw, supreme commandant of the regency of Tripoli, his aforementioned ministers and counsellors, I do by these presents most solemnly protest against the conduct of said Jusef bashaw, his ministers and counsellors, as being unjust and in direct violation of the 10th and 12th articles of the existing treaty between the United States and the said regency of Tripoli; and I James Leander Cathcart do further declare, that the dispute arising from the violation of said treaty, is of such a nature, that I cannot adjust the same before I receive express instructions from the President of the United States of America, or until our good friends the dey and divan of Algiers shall decide upon the justice of the cause, according to the true interpretation of the existing treaty between the United States of America and this regency; and that I do hereby make an amicable reference to our good friends the dey and divan of the regency of Algiers, promising in the name of the United States of America to abide by their decision agreeable to the true meaning of the stipulation contained in the 12th article of the treaty of peace and amity concluded between the United States of America and the regency of Tripoli by the intervention of the late Hassan bashaw, dey of Algiers, and under the immediate guarantee of said regency, the said treaty having been duly ratified by the reigning dey of Algiers, Mustapha bashaw, whom God preserve.



Now, I James Leander Cathcart, agent and consul of the United States of America, conceiving it my duty so to do, do now transmit this said protest to the chancery of the United States at Tunis, in order that it may be there duly registered, and from thence forwarded to the consul general of the United States of America at Algiers, in order to prevent, as much as depends upon me, any appeal being made to arms, leaving the conducting of the whole affair entirely at the discretion of the consul general of the United States of America for the time being, as before mentioned, not doubting but he will take such measures as he in his judgment may think most likely to promote the interests of the United States of America, and maintain the peace of our country with this regency upon honourable and equitable terms.

In testimony of the above I have hereunto subscribed [L. s.] my name and affixed the seal of my office at the chancery of the United States of America, in the city of Tripoli in Barbary, this 29th day of October in the year of our Lord one thousand eight hundred; and in the 25th year of the independence of the United States of America.

JAMES L. CATHCART.

TRANSLATION.

MR. CATHCART having desired a process verbal of what passed at the audience, which, at his request, in conjunction with that of the consul of his Danish majesty and of the *charge des affaires* of his catholick majesty, was given on the 11th of this month; as well as of the reasons which occasioned their request:

The undersigned Nicholai Christian Nisen consul of his Danish majesty, and Don Pedro Ortiz de Zugasti *charge des affaires* of his catholick majesty, attest and declare as follows:

Since a long time there existed the greatest irregularity in the distribution of letters which arrived here for the consuls. This irregularity was considerably increased, when, by reason of the plague which appeared at Tunis and the precautions relative to health taken by his excellency the bashaw, in consequence, the couriers were sub-



jected to quarantine and the letters fumigated before they were distributed.—But the abuses had now reached their last extreme.—On the 27th October arrived a small vessel from the coast of Tunis: the vessel and passengers were both subjected to quarantine. Only one letter was delivered on the day of her arrival, and on our earnestly endeavouring to learn whether there were any for us, we received negative answers. Nevertheless on the 9th of this month, a packet was given to the *charge des affaires* of his catholic majesty and another to the consul of the United States of America; the latter, having had the politeness to communicate some news from it to us, complained of the considerable delay he had experienced of a letter he had just received from Algiers, dated on the 25th July, contained in another from Tunis of the 1st of October. This letter was of the greatest consequence to him in his consular concerns, and he requested us to attest the day of its arrival, which we did, as we now do by these presents.

The next day (Nov. 10,) arrived a courier from Tunis. He arrived in the morning, but all the day passed without receiving the letters. On the 11th in the morning they were landed open and thrown together promiscuously, and instead of fumigating them they were burnt in such a manner as to consume a part and render the rest illegible, and thus they were sent to us by handful. Seeing these unworthy proceedings, finding many of our letters lost, and that our residence here at Tripoli would be absolutely useless to our governments, if their orders did not reach us, we thought it our duty to make a complaint supported by all, and in the strongest manner, to his excellency the bashaw. An audience being granted, we shewed him our letters in pieces and burnt, among which there was one for the bashaw himself. His excellency immediately promised to cause this abuse to be redressed. He gave his orders in consequence, and declared himself ready to punish the guilty.

After having thus terminated the principal object of the audience requested, each of us communicated to his excellency the news we had received, and the consul of the United States of America having equally communicated to the bashaw, that the ministers of his government at

Paris had just concluded a treaty with the French Republick, which was to terminate their differences, his excellency complimented him on the occasion, but nevertheless added, that an arrangement ought also to be made with him, and to take care that he did not give orders to his cruisers to bring in the merchant vessels of the United States ; and his excellency the bashaw further explained himself in such manner as to cause the fear of a rupture not far off. The consul of the United States of America, Mr. Cathcart, answered, that he was sure that would never take place ; that the word of his excellency was sacred ; that he, the consul, could do nothing without the orders of his government, and that his excellency had promised to wait, not only six months computing from the 2d of October last, but until the arrival of an answer from the American government ; but the bashaw did not seem to accede to it ; on the contrary he refused, and said that he had the greatest reason to complain of the Americans ; that lately he had received a letter from one of his corsairs which acquainted him, that being on the coast of Naples he had met an American polacre richly laden ; that he visited and treated it in a friendly manner ; that nevertheless the polacre, after entering the port, gave intelligence that the corsair was there, in order that a superior force might be sent out to capture him ; but the corsair being advised of it by a Ragusan vessel which had just come out of the same port, he had time to save himself.

Mr. Cathcart answered his excellency that it was evidently a false report, dictated by malice ; that among the whole marine of the United States there was no polacre ; and that he prayed his excellency not to give credit to such lies, which his raiz might report ; nevertheless the consul of the United States had no reason to be tranquilized : it appeared on the contrary, that his excellency the bashaw of Tripoli intended shortly to give orders for bringing in the merchant vessels of the United States, and thus to commence hostilities.

The audience being finished, we retired, and Mr. Cathcart consul of the United States of America, having communicated his wish to us, to have a *process verbal* of all that passed at the audience, as well as of what gave occasion for asking it, we have drawn up these presents ; and

in faith thereof we have signed them, and thereto affixed the royal seals of our consulates. -

Done at Tripoli in Barbary this 13th Nov. 1801.

N. C. NISEN, [L. s.]

Consul of his Danish Majesty, at  
Tripoli in Barbary.

In absence of the Consul

General [L. s.]

PEDRO ORTIZ DE ZUGASTI.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS.  
DECEMBER 22, 1801.

I NOW enclose sundry documents supplementary to those communicated to you with my message at the commencement of the session. Two others of considerable importance, the one relating to our transactions with the Barbary powers, the other presenting a view of the offices of the government, shall be communicated as soon as they can be completed.

TH: JEFFERSON.

### TRANSLATION.

*The Bashaw of Tunis, to Mr. John Adams, President of the United States of America.*

MR. PRESIDENT,—Although I have charged the worthy and zealous consul of your nation, the Sieur William Eaton, to acquaint you with a proposition, which I have found myself under the absolute necessity of making to him, I have nevertheless determined to apply directly to you about it by these presents, in order that I might at the same time procure for myself the pleasure of reiterating to you the assurance of the continuance of my esteem and my friendship.

After the request I formerly made for forty cannon of different calibers, the present circumstances in which I find myself, require that I should procure twenty-four pounders, of which I have the most pressing need. I should therefore wish that you would cause them to be sent to me as soon as possible, in case you should not, on the receipt of the present, have sent the first to me, if finally they should have been already sent away, I expect, Mr. President, as a real proof of your friendship, for which I shall be infinitely obliged to you, that you will furnish and convey to me, forty other pieces, all of the caliber above-mentioned.

This request will not appear in the least extraordinary to you, when you consider the very moderate and friendly manner, in which, differently from others, I have conducted myself towards the United States and their flag, notwithstanding that the douceurs and presents, stipulated four years ago for my making peace with the United States, have not all arrived, and that not the smallest part of those which were intended for me individually have been sent. I make no doubt on this subject, that your consul will have forwarded the letter I addressed to you about two years past relative to it, and that you will thereby have seen, that I consented to wait the space of a year, in consequence of the representation which the same consul made to me, that several of the articles composing the present, due to me, and which I constantly expect, could neither be had or manufactured in the United States, and that they were to be procured from foreign countries.

Wishing on my part to return you a reciprocity (when-ever an occasion of urgency in your nation happens) in my country, and hoping to see that good harmony which happily subsists between us continued and remain undisturbed. I pray Almighty God to preserve you, and I assure you, Mr. President, of my esteem and my most distinguished consideration.

*[Signature and seal of Hamouda Pacha  
Bey of Tunis.]*

At Bardo of Tunis, the 2nd of the moon Haggia, of the year 'Egira 1215, and the 15th April, 1801.



*Thomas Jefferson, President of the United States of America, to Hamouda Pacha Bey of Tunis.*

GREAT AND GOOD FRIEND,—The letter which you addressed to the President of the United States of America, on the fifteenth of April, has been received, and has conveyed us the assurances always welcome, that your friendly dispositions towards these States, still continue firm and unimpaired. We feel deep regret that the regalia and other tokens of our esteem for you, had not at that date, reached their destination. These delays proceed from the distance of our situation, and from the circumstance that some of the articles acceptable to you, are not fabricated here, but are to be sought for in foreign countries, where also they require time to be prepared. We trust they will all have been received before this reaches you. We are a nation not practising the difficult arts, but employed in agriculture, and transportation of its produce for commercial exchange with others. Peace therefore with all nations is essentially our pursuit, so long as it can be obtained on just and equal grounds. Of this desire on our part we have given to the states bordering on the Mediterranean the same manifestations of which Europe had set the example. Like them, we consented to give a price for friendship, which would have been properly requited by our own. So long as we have been met with moderation and good faith, we have preferred these means of peace, rather than to seek it through our own strength. At length, however, the inadmissible demands of the bashaw of Tripoli, and our determination to owe to our own energies, and not to dishonourable condescensions, the protection of our right to navigate the ocean freely, have induced us to send a squadron into the Mediterranean sea, for the protection of our commerce against the bashaw of Tripoli. We gave, illustrious friend, in strict charge to our officer, chief in command, to respect, and treat with particular friendship, your flags, your vessels, and your subjects, and to take an early occasion, after his arrival in those seas, to testify his respect to you, to assure you of our adherence to the peace and friendship established with you, and of our orders to him to cultivate them with assiduity :

and we trusted you would yield him that hospitable reception, and those accommodations in the ports of your dominions, which his necessities require. We did this with the greater confidence, as knowing the liberality of your mind, and being ourselves in the habit of rendering similar good offices to all nations in friendship with us.

Trusting good friend, that our consul will have received and delivered those evidences of our good will, which circumstances permit us to offer for your acceptance, we ask the continuance of your friendship in return for that which we sincerely bear to you; and pray to God that he may long preserve your life, and have you under the safeguard of his holy keeping.

Done in the United States of America, this 9th day of September, one thousand eight hundred and one.

TH: JEFFERSON.

*Tunis, June 28, 1801.*

SIR,—On the night of the 18th inst. a fire broke out in the bey's palace, which in its progress consumed fifty thousand stands of arms. The second day following I received a message to wait on the bey, but was at that moment confined to my bed with a billious fever, so that it was not till this morning I have been able to go in my carriage to the palace. The bey's object in calling on me was to demand of the United States, *ten thousand stands of arms*. I refused to state his demand. "I have proportioned my loss" said he "among my friends, and this falls to you to furnish. Tell your government to send them without delay." It is impossible, said I, to state this claim to my government. We have no magazines of small arms; the organization of our national strength is different from that of any other nation on earth. Each citizen carries his own arms always ready for battle. When threatened with an invasion, or actually invaded, detachments from the whole national body are sent by rotation to serve in the field; so that we have no need of standing armies, nor depositories of arms. It would be an affront to my government, and an imposition on the bey to state to them this demand, or to flatter him with a prospect of receiving it. "Send for them to France or England," said the minister.

You are in a much more eligible position to make this commission to Europe than we are, said I. "If the bey had any intention of purchasing the arms from Europe," said the minister, "he could do it without your agency. He did not send for you, to ask your advice, but to order you to communicate his demands to your government." And I came here, said I, to assure you that I will make no such communication to my government. "The bey will write himself," said he. If so it will become my duty to forward his letter, but at the same time it is equally obligatory on me, to let the bey be beforehand apprized, that he never will receive a single musket from the United States. I should suppose a sense of decency, if not of gratitude would dissuade the bey from this new extravagant claim. Has he not within eighteen months received two large ship cargoes in regalia; have we not now another ship laden for him on its passage; and has he not within sixty days, demanded cannon extraordinary of the United States; at this rate when are our payments to have an end. "Never," said the minister; "as to the ships you talk of, they are but the part payment of regalia you have long since owed us, as the condition of peace; the other claims we make are such as we receive from all friendly nations, once every two or three years; it is an established custom, and you like others, will be obliged to conform to it." When we shall have completed the payment of our peace stipulations you may never calculate on further donations. It is by treaty considered as the conditions of a perpetual peace, and any new claims on your part, will be at least an infraction of the treaty, and will be so considered by us. You may therefore at once and for ever abandon the idea of future claims; for I again assure you, in the name of my government and country, that the discharge of our treaty obligations will put an end to our contributions here. "Your contributions as you think proper to call them," said the minister, "will never have an end. If this be the language you think of holding at this court, you may prepare yourself to leave the country and that very soon." If change of style, on my part, said I, be the condition of residence here, I will leave the bey's kingdom to-morrow morning. "We will give you a month," said the minister. I ask but six hours I replied. "But you will write?" No. "But it is your duty to write." For deficiency in duty this

is not the place where I am to be questioned. "I tell you again," continued he, "your peace depends on your compliance with this demand of my master." If so, said I, on me be the responsibility of breaking the peace. I wish you a good morning. Leaving the place I heard the minister say to one of his colleagues, "By God, that man is mad! but we shall bring him to terms—never fear." I don't know how this affair will end. I will not change my position.

I have the honour to be, sir, with perfect respect, your most obedient servant,

WILLIAM EATON.

Hon. Secretary of the United States.

*Extract of a Letter from the Secretary of the Navy to Commodore Dale. May 30, 1801.*

"RECENT accounts received from the consul of the United States, employed near the regencies of Algiers, Tunis and Tripoli, give cause to fear, that they will attack our commerce, if unprotected, within the Mediterranean; but particularly, such apprehension is justified by absolute threats on the part of the bey of Tripoli.

"Under such circumstances, it is thought probable, that a small squadron of well appointed frigates appearing before their ports, will have a tendency to prevent their breaking the peace which has been made, and which has subsisted for some years, between them and the United States. It is also thought, that such a squadron, commanded by some of our most gallant officers, known to be stationed in the Mediterranean, will give confidence to our merchants, and tend greatly to increase the commerce of the country within those seas.

"I am therefore instructed by the President to direct, that you proceed with all possible expedition, with the squadron under your command, to the Mediterranean. It will be proper for you to stop at Gibraltar and obtain permission from the governour for depositing provisions there, for the use of your squadron. It is not presumed there will be any refusal; but should he deem it improper, you will then leave a letter with Mr. Gavino, the American



consul, for the captain of the provision vessel that will be sent hereafter, directing him where to proceed.

“ On your arrival at Gibraltar, you will be able to ascertain whether all or any of the Barbary powers shall have declared war against the United States. In case all are tranquil, you will water your ships, proceed off the port of Algiers, and send to the consul, Mr. O'Brien, whom you will inform that you have arrived—that the views of your government are perfectly friendly—that you have a letter for him and the dey—and that you request to see him; or that he send some person in whom he can confide, for the letters—or that he send a permission for one of your officers to go to the city. You will have on board certain goods, which you will deliver on his requisition. They are for the biennial presents to the regency. The *George Washington* is preparing to carry timber and other stores for at least one year's annuity, and you have on board the President, thirty thousand dollars, which it is hoped and expected Mr. O'Brien will be able to induce the regency to receive for another year. The balance may go some time hence. But if Mr. O'Brien cannot induce the dey to receive money instead of stores, you will retain the thirty thousand dollars, excepting four or five thousand dollars, which, on Mr. O'Brien's requisition, may (if he should think it useful to commence with) be given him on your arrival, and which amount may be replaced, if the dey shall afterwards agree to receive the thirty thousand dollars in full for one year's annuity, out of the ten thousand dollars hereafter mentioned as being intended for the bey of Tripoli, and the stores will be sent as soon as possible.

“ When your business is arranged at Algiers, to your satisfaction, you will proceed to Tunis, and there cause the letters you carry to be delivered to Mr. Eaton, the consul. A ship is preparing and will sail as soon as possible, with stores, agreeably to treaty with that regency.

“ From thence you will proceed to Tripoli; on your arrival there send for Mr. Cathcart, American consul for that port, to whom deliver his letters, and either by him or one of your officers (which ever may be deemed most proper,) send the President's letter to the bey. You have on board ten thousand dollars, as a present from the President; the whole, or such part thereof as you may have on your arri-

val at Tripoli, and which Mr. Cathcart may conceive useful, will be given the bey, provided he has conducted himself peaceably towards the United States.

“ You will be careful not to solicit the honour of a salute from any of those powers ; if you do, they will exact a barrel of powder for every gun they fire.

“ You will enjoin upon your officers and men the propriety and utility of a proper conduct towards the subjects of all those powers. A good understanding with them being extremely desirable.

“ Should you find the conduct of the bey of Tripoli such as you may confide in, you will then coast with your squadron the Egyptian and Syrian shores as far as Smyrna, and return by the mouth of the Adriatic—thence pay the bey of Tripoli another visit ; finding him tranquil, proceed to Tunis, and again shew your ships ; and thence coast the Italian shore to Leghorn, where you may stay some days, and then proceed along the Genoese to Toulon, which port it will be instructive to your young men to visit. From thence proceed again to Algiers. If there should be no hostile appearance on the part of those powers, and you should be well assured that no danger is to be apprehended from either of them, you may on the 15th October, commence your return homeward ; but if there should be any cause for apprehension from either of those powers, you must place your ships in a situation to chastise them, in case of their declaring war or committing hostilities, and not commence your return to the United States, until the first day of December.

“ On your return you will go into Hampton Road, and repair yourself to this place as soon as you can. Order the Philadelphia to Philadelphia, if the season will permit ; if not, let her go with the Essex to New York—the Enterprize send to Baltimore.

“ But should you find on your arrival at Gibraltar, that all the Barbary powers have declared war against the United States, you will then distribute your force in such a manner, as your judgment shall direct, so as best to protect our commerce and chastise their insolence—by sinking, burning, or destroying their ships and vessels wherever you shall find them. The better to enable you to form a just determination, you are herewith furnished with a correct state of the strength and situation of each of the Bar-

bary powers. The principal strength you will see, is that of Algiers. The force of Tunis and Tripoli is contemptible, and might be crushed with any one of the frigates under your command.

“Should Algiers alone have declared war against the United States, you will cruise off that port so as effectually to prevent any thing from going in or coming out, and you will sink, burn, or otherwise destroy their ships and vessels wherever you find them.

“Should the bey of Tripoli have declared war, (as he has threatened) against the United States, you will then proceed direct to that port, where you will lay your ship in such a position as effectually to prevent any of their vessels from going in or out. The Essex and Enterprize by cruising well on towards Tunis, will have it in their power to intercept any vessels which they may have captured. By disguising your ships, it will be some weeks before they will know that the squadron is cruising in the Mediterranean, and give you a fair chance of punishing them.

“If Tunis alone, or in concert with Tripoli, should have declared war against the United States, you will chastise them in like manner—by cruising with the squadron, from the small island of Maratimo near the island of Sicily, to cape Blanco on the Barbary shore, you may effectually prevent the corsairs of either from intercepting our commerce in the material part of the Mediterranean sea, and may intercept any prizes they may have made.

“Any prisoners you may take, you will treat with humanity and attention, and land them on any part of the Barbary shore most convenient to you. This mode will be humane, and will shew that we have no sort of fear, what such men can do. It will also tend to bring those powers back to a sense of justice which they owe to us. But you will be careful to select from them, such christians as may be on board, whom you will treat kindly, and land when convenient, on some christian shore. Should you have occasion, you may accept their services.”

*Extract of a Letter from Commodore Dale, commanding the United States Squadron in the Mediterranean, to the Secretary of the Navy. Gibraltar Bay, July 2, 1801.*

“ON my arrival here I found lying at anchor the high admiral of Tripoli, in a ship mounting 26 guns, nine and six pounders, 260 men, and a brig of 16 guns, 160 men. He has been out thirty-six days, says he is not at war with America, nor has he taken any thing. He came in here for water, and is under quarantine at present. From every information I can get here, Tripoli is at war with America.”

*Extract——Same to Same. Tunis Bay, July 18, 1801.*

“MR. O'BRIEN informed me ‘that the dey of Algiers had been complaining very much of the United States in not making their annual payments good, and had gone so far as to say, that he would not put up with it much longer. He was now confident he said, that the dey would not speak so big, and had no doubt that the arrival of the President at Algiers had much more weight with the dey, than if the Washington had arrived with stores. He did not think it a proper time to mention to the dey, about receiving thirty thousand dollars instead of stores.’ Mr. O'Brien took the cloth and linen on shore with him.

“I arrived in Tunis bay 17th inst. and sent a letter on shore to Mr. Eaton; the 18th he came on board. The Essex and the ship Grand Turk arrived the same day. From Mr. Eaton's information, this regency has been much in the same way as Algiers, and the appearance of our ships will have the same effect on the great and mighty bey of Tunis.”

*Extract——Commodore Dale, to the Secretary of the Navy. Malta Harbour, August 18, 1801.*

“I ARRIVED off Tripoli the 24th ult. the 25th I received a letter from Mr. Nessen, consul for Denmark at Tripoli; he was requested by Mr. Cathcart to act for him in his absence, should there be a necessity for it. The letter was wrote at the request of the bey. to know if my inten-



tions in coming off Tripoli, were to make peace or war. I wrote him that my intentions in the first instance were friendly, but the act of his excellency in declaring war against the United States, had put that disposition out of my power, and that I was determined to take his vessels of every description, and his subjects wherever I could find them : but at the same time I should be glad to know his reasons for declaring war, and on what principles he expected to make peace. That on those points I wished information as soon as possible, that I might inform the President of the United States, and ascertain his determination respecting the business. The next day the bey sent off a Jew, to negotiate for a peace or truce. I informed him, that his excellency had not answered my letter ; that I was not empowered to make a new treaty, but if the bey would answer my letter, and send off one of his officers, and was serious in the business, I would then treat with him about a truce. The Jew went on shore. I have not heard from him since. The bey wrote me previous to this, that he had good reasons for declaring war against the United States, but if I would come on shore, he was very certain we should be able to make a peace. He said he did not like the 1st and 12th articles in the old treaty, and did not wish to have any thing to do with the dey of Algiers.

“ I am happy to inform you that the Enterprize on the 1st inst. on her passage to this place, fell in with a polacre ship, mounting 14 guns and 80 men, a corsair belonging to Tripoli. The enclosed is a copy of Mr. Sterrett's letter to me, which will give you an account of the action and the result of it.—Mr. Sterrett is a very good officer and deserves well of his country. After being 18 days off Tripoli, and seeing nothing in that time but two small vessels, Tunisians, one bound in and the other out, and receiving information that the bey had boats stationed along the coast, both to the eastward and westward, on the 11th inst. I determined to run along the coast to the westward, as far as the island of Pidussa ; from Pidussa to this place for water. I arrived here the 16th inst. ; saw nothing on my passage.

*Copy of a Letter from Lieutenant Andrew Sterrett, to Commodore Dale, dated on board the United States Schooner Enterprize, at sea, August 6, 1801.*

SIR,—I have the honour to inform you, that on the 1st Aug. I fell in with a Tripolitan ship of war, called the Tripoli, mounting 14 guns, commanded by rais Mahomet Sous. An action immediately commenced within pistol shot, which continued three hours, incessant firing. She then struck her colours. The carnage on board was dreadful, she having 20 men killed and 30 wounded: among the latter was the captain and first lieutenant. Her mizen mast went over the side. Agreeable to your orders, I dismantled her of every thing but an old sail and spar.—With heartfelt pleasure I add, that the officers and men throughout the vessel, behaved in the most spirited and determined manner, obeying every command with promptitude and alertness. We had not a man wounded, and sustained no material damage in our hull or rigging.

I remain your most obedient servant,

ANDREW STERRETT.

*Extract—Commodore Dale, to the Secretary of the Navy. Gibraltar Bay, October 4, 1801.*

“HAVING completed my water on the 21st of August, I sailed again. On the 30th I brought to a Greek ship, from Constantinople and Smyrna, bound into Tripoli, loaded with beans and merchandize, and having on board one Tripolitan officer, twenty soldiers, fourteen merchants, five women, four of them black, and one white child, all Tripolitans: I took them all on board. I thought this a favourable opportunity to try to bring about, and settle an exchange of prisoners with the bey, should his corsairs take any Americans, (I say God forbid.) I accordingly sent three of the Tripolitans on shore in a small boat, with a letter to Mr. Nissen the Danish consul, requesting him to make known the contents of it to the bey. The next day, Mr. Nissen came off at the bey's request, to know if I would make a truce. Mr. Nissen informed me, that he had told the bey before he came off, that he could not say any thing to me on that subject, until he had answered my

letters on that point. The bey told him to go off and try, and if I would, he would then talk to me about the exchange of prisoners, and a peace. My mind was made up on that subject, knowing I had no orders to make a truce, little was said on that subject. Mr. Nissen told me that the bey said, that he would not give one American for all the soldiers, and that only eight of the merchants were his subjects. He cared very little about any of them. At length the bey agreed to give three Americans for twenty-one soldiers, and three for the eight merchants. Circumstanced as I was, I was under the necessity to act as I did, namely, to put them all on board the Greek ship again, and permit them to go into port. I wrote to Mr. Nissen to inform the bey, that I agreed to the exchange of three Americans for the soldiers, but I did not consider the merchants as prisoners, nor could I fix on any thing respecting them, until I knew the determination of my government, and that the present transaction was not to be a precedent in any future negotiation. This transaction took place on the 3d of September, the ship's company then very sickly, ninety-four men on the doctor's list, and a number more complaining; not knowing to what extent the sickness might go, and not having more than one month's provision on board, at eight P. M. I was under the necessity of coming to a determination to give up the blockade of Tripoli, and proceed for Gibraltar.

"Mr. Gavino informed me about a month ago, that the Tripolitan admiral had laid up his two corsairs here, and took his passage with eight of his officers on board of an English ship bound to Malta, leaving the captain of the brig and twenty men, to take care of the two vessels, and bring the ship home, if he had an opportunity; sent the remainder of his men over to Tetuan in boats.

"I think it necessary that two frigates should remain in those seas all the winter, under the present circumstances. The Philadelphia to rendezvous at Saragossa, the south east end of the island of Sicily. I shall give captain Barron orders to shew himself off Tripoli and Tunis every now and then, to let those fellows know and see, that we are on the watch for them. The Essex to rendezvous at Gibraltar and Algeziras, as may be most convenient, to keep a good look out, and know what is going on in this quarter."

*Extract of a Letter from David Humphreys, Esq, to the Secretary of State. Madrid, October 20, 1801.*

“IN a postscript to the duplicate of the same, dated the 16th inst. I informed you, I had received a letter that day from consul O'Brien at Algiers, in which he mentioned, that a revolt had existed for a few hours, while the dey was at the mosque, but that it was soon quelled, and tranquillity restored.

“I am since in receipt of a second copy of that letter, which is continued to the 28th ult. wherein he advises me that the dey had received letters from Tripoli, with the information of the blockade of that port by the American armament ; stating that one Tripolitan corsair had been taken and released ; that some vessels had been permitted to enter the port, and others refused ; that the bashaw had been in want of grain, and that he had offered to make a truce with the American commodore, but the latter had rejected the offer. The bashaw therefore solicits his (the dey's) succour, to relieve him from his embarrassments, and to clear from their detention, his two armed vessels which are blockaded at Gibraltar. Consul O'Brien had already declined complying with the dey's desire to give passports for two hundred and fifty men, being part of the crews of those two armed vessels, to return to Tripoli.

“The same consul further reports, that the regencies of both Tripoli and Tunis solicit the dey that he will not admit the custom of blockade, as being a novel system as applied to them alike prejudicial to all their common interests.

“This appears to me strongly to recommend the policy of persisting in the system on our part, and perhaps of augmenting our present naval force in the Mediterranean.”



## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE  
TO TRANSACTIONS WITH BARBARY POWERS. MARCH  
1, 1802.

[See Vol. Confidential Documents.]

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE  
TO TREATY WITH GREAT BRITAIN—BRITISH DEBTS.  
MARCH 29, 1802.

[See Vol. Confidential Documents.]

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. APRIL 15, 1802.

I now transmit the papers desired in your resolution of the 6th inst. Those respecting the Berceau will sufficiently explain themselves. The officer charged with her repairs states, in his letter received August 27th, 1801. that he had been led by circumstances, which he explains, to go considerably beyond his orders. In questions between nations who have no common umpire but reason, something must often be yielded of mutual opinion, to enable them to meet in a common point.

The allowance which had been proposed to the officers of that vessel being represented as too small for their daily necessities, and still more so as the means of paying, before their departure, debts contracted with our citizens for subsistence, it was requested on their behalf that the

daily pay of each might be the measure of their allowance. This being solicited, and reimbursement assumed by the agent of their nation, I deemed that the indulgence would have a propitious effect in the moment of returning friendship. The sum of eight hundred and seventy dollars and eighty-three cents was accordingly furnished them for the five months of past captivity, and a proportional allowance authorized until their embarkation.

TH: JEFFERSON.

*Extract of a Letter from Messrs. Stephen Higginson and Co. to the Secretary of the Navy. Nov. 19, 1800.*

“CAPTAIN Little wishes to have his prisoners landed, and his prize cleared of them, and captain Gates thinks he can make out to receive and guard them on Castle Island, having a guard of marines from the Boston and Herald; and this mode we shall probably adopt to-morrow, to serve till we receive your orders.”

*From the Same to the Same. Dec. 5, 1800.*

“THE prisoners from Le Berceau are now all landed on Castle Island, and have very comfortable accommodations. We have furnished them with clothing and firewood, and they are now so well fixed and guarded that it is perhaps best that they should remain there, and not be sent into the interior. We have paroled the officers of that ship, and they are in town, under obligation to remain here until the trial of their ship. Many complaints are made to us by these poor fellows. We afford them all the accommodation in our power, and go all the lengths our orders will admit.”

*Extract of a Letter from Messrs. S. Higginson and Co. to the Secretary of the Navy. Dec. 12, 1800.*

“OUR district court has condemned the prize ship Le Berceau and her app.; and the marshal has advertised her for sale by auction the first of next month. She yet remains below. We have not seen her; but captain Talbot thinks her a very good cruiser, well constructed, and with

excellent cover. The French officers believe that when in trim she is equal to the Boston in sailing; and had she not been too deep, they say she would have escaped. She is seven years old, was built at L'Orient in the best manner, and was esteemed the best corvette ever seen there. Her copper is worn out, her sails and rigging cut to pieces, her masts all gone; and she appears a wreck; but her hull is very good; she has an abundance of maritime stores, a new suit of sails below; part of her rigging may again answer, perhaps some of the old sails, &c."

*The Secretary of the Navy to S. Higginson and Co. December, 19, 1800.*

"I HAVE the honour to request that you will cause the French ship *Le Berceau* to be purchased for the United States, and afterwards have her placed where she will be secure, with just as many men on board as will be necessary to take care of her. Make no repairs.

"The British government generally buy the national ships captured by their own; but at very low prices. Be pleased so to conduct the purchase now directed, as to prevent its being known that it is on account of government. Then gentlemen who might feel delicacy in interfering with the views of government, will not be restrained from bidding, nor will others bid merely to swell the price for the benefit of the captors.

I have the honour, &c.

*Extracts of a Letter from Messrs. S. Higginson and Co. to the Secretary of the Navy. Dec. 22, 1800.*

"DR. WELSH, the physician to the marine hospital, has taken care of the French prisoners when sick, and now wishes to have his account settled, and inquires in what form he shall make it out. He proposes charging the same as he is allowed for the garrison, which will be reasonable enough, as the average number of the prisoners is equal, at least, to that of the garrison, and probably more of them have been under his care, from their confinement on board ships, and in the prison."

"The marshal has concluded to defer the sale of the Boston's prize *Le Berceau* beyond the time set, the first

of next month, to afford time to receive any orders you shall please to forward respecting her."

*Extract—Messrs. S. Higginson and Co. to the Secretary of the Navy. January 16, 1801.*

"YESTERDAY the prize ship *Le Berceau* was sold at auction; the ship and app. were sold first at eight thousand dollars, afterwards her guns and maritime stores, &c. in different lots. We employed a person to buy in the whole for government, in a manner that gave a fair chance to make the most of her. The amount we yet know not, as the marshal has not made out the account; probably about twelve thousand in all."

*The Secretary of the Navy to Messrs. S. Higginson and Co. Boston, Feb. 17, 1801.*

SIR,—I have the honour to request that you will deliver to the order of Mr. Letombe, all the French prisoners in your custody. You will take a receipt for them, which, with a list of their names, you will be pleased to enclose to me. If any have been released upon their parole of honour, I request that you will discharge them from the obligations of their parole.

I have the honour, &c.

*The Secretary of the Navy to Mr. Letombe. February 17, 1801.*

SIR,—I have the honour to inform you that I have directed Messrs. S. Higginson and Co. Boston; Mr. William Peck, marshal of Rhode Island; Philip B. Bradley, Esq. marshal of Connecticut; Aquila Giles, Esq. marshal of New York; Montjoy Bailey, Esq. Fredericktown, Maryland; and William Crafts, Esq. Charleston, South Carolina; to deliver to your order the French prisoners in their custody.

There are 150 at Boston, 25 at Providence, R. I. 100. Connecticut, 8 blacks at New York, 90 do. Fredericktown; 3 Charleston. South Carolina.



I request that you will, as speedily as possible, make your arrangements to remove them from the United States.

I have the honour, &c.

*Extract of a Letter from Mr. Letombe, Commercial Agent of France, to the Secretary of State. Philadelphia, 10th Ventose, 9th year of the French Republick, one and indivisible, (1st March, 1801, O. S.)*

"CITIZEN CLEMENT (commander of the Berceau) and his companions in misfortune, wish to return to France by the cartel Olive, which you have furnished with a passport; but every thing has been taken from them; they are without money or clothes, and they are indebted in Boston for their daily subsistence, having received nothing for this purpose from the government of the United States. Under these circumstances, as it is impossible for the agents of the Republick to procure for them money (those agents besides not being qualified to act as commissaries of prisoners) and no funds having been provided for this purpose from France; so that the money to be furnished them for their subsistence in quality of prisoners, can come from no quarter but from the government of the United States, to which, in reason, that of France is holden for the reimbursement; the situation of these officers is truly deplorable."

*Copy of a Letter from Levi Lincoln, Esq. acting as Secretary of State. Department of State, March 10th, 1801, City of Washington, to Mr. Letombe, late Consul General of France.*

Sir,—I received yours of the 1st inst. The enclosed letter from the navy department is designed, in some degree, to meet the evils complained of. You will be pleased to seal and forward it. The necessary passports shall be furnished as soon as a vessel shall be engaged and freighted, and shall give the necessary information for that purpose to the office.

The port from which each vessel sails must be specified, the name of the master, her own name, and the port of her destination. I will request Mr. Thornton to supply you

with such passports as you may apply for, who will be in Philadelphia at the time you may probably need them. Measures have been and are now taking to correct and remove every just cause of complaint to the French prisoners. If a loan of moneys should become necessary, it may be the subject of further consideration.

Be assured, sir, the American government will never stop short of the last reasonable exertion to secure justice, and the benefits of humane arrangements to the unfortunate.

*The Secretary of the Navy, to Messrs. S. Higginson and Co. March 10, 1801.*

You have already been instructed to deliver to the order of Mr. Letombe all the French prisoners under your care. Before the delivery you will furnish each person with such cheap clothing as shall be sufficient, with what he has, to make him comfortable. Some of the officers who have been kept in the country on parole, represent that they have received no allowance from the government of the United States for their subsistence, and that they are distressed to pay the debts incurred for their maintenance. You will be pleased, in every such case, to pay to each officer a sum of money equal to two dollars per week for the whole time he has lived at his own expense.

As soon as the prisoners are delivered, you will forward to the accountant of this department your whole account for expenses of French prisoners.

I have the honour, &c.

*The Secretary of the Navy, to Messrs. S. Higginson and Co. March 14, 1801.*

I REQUEST that you will, without delay, send to New York all the French prisoners under your care.

You will be pleased to supply them with provisions, and give a preference to the cheapest mode of conveyance—the expenses of which you will bring into your account against the United States, for maintenance, &c. of French prisoners.

I have the honour, &c.

*The Charge des Affaires of the French Republick to the Secretary of State. March 19, 1801.*

THE undersigned, charge des affaires of the French Republick, has the honour to request the Secretary of State, that he will be pleased to make known to the President of the United States, the following facts and reflections, relating to the convention signed at Paris, the 9th Vendemiaire, (30th November last) by the ministers plenipotentiary of the two states. The object of this convention having been to do away a misunderstanding, unhappily too long continued, and equally opposed to the interests of both states, the first consul of the Republick, who had nothing so much at heart, as to remove all remembrance of differences, which had occurred previous to his administration, did not wait till he could be informed that the federal government would adhere to this treaty, before he performed those stipulations, which were to have effect, from the date of the signing of the treaty. It is in consequence of this eagerness, and of the entire confidence which he placed in the good faith of the government of the United States, that he has caused to be given to the council of prizes, directions respecting American cases depending before that council, conformable rather to the spirit than to the letter of this treaty; and has sent to all the establishments of the Republick beyond sea, instructions calculated not only to ensure full justice for the past, in a manner consonant to the obligations of the convention, but also to prevent in future, unauthorized measures towards the commerce and navigation of the United States, either on the part of the administrations, or of individuals.

The undersigned, in order to justify what he advances, has the honour to lay before the Secretary of State, 1st. A statement of decisions made upon American prizes, since the signing of the convention, from which it appears, that since that period one vessel only has been condemned, and that, a vessel demonstrated by the papers on board, to belong to the enemy. 2d. Two extracts, at length, from the despatches addressed by the minister of the marine, and sent immediately upon the signing of the treaty by avisos, (advice-boats) to all the administrations of the French colonies, including the isles of France and Reunion.

No remarks will be added to these extracts. They prove by the strictness which prevails in them, that the government of the Republick, so far from encouraging the measures which have wound up the irritation of one of the two parties to the point to which it has actually been carried, these measures have been most frequently flagrant violations of the laws and instructions of the government—violations which the distance of place, and other circumstances, have not always permitted to be known, or to be repressed. The French government has not even waited till the signing should be completed, to take such of the measures mentioned above, as related to those affairs which were transacting near at home. As soon as there was reason to hope for an accommodation, all proceedings in American matters were suspended, for the purpose of preventing final condemnations. And the correspondence of the American negotiators will prove that those of the Republick were eager to support the demands which the former made to this effect. The undersigned will add, that in order to obviate all delays or difficulties, which might have been produced by interests contrary to the spirit of the convention, the minister of foreign relations, in consequence of an authorization of the first consul, enjoined it upon the council of prizes to adjourn for an indefinite period, all decisions upon the question of property, captured under the American flag.—The subjoined extracts of a letter from the minister will explain better than the undersigned can do it, the motives which have given rise to this measure, and how much its object is, to ensure the full execution of the treaty.

After having shewn what has been the conduct of the government of the Republick, it remains for the undersigned to request that the Secretary of State will be pleased to inform him of the intentions of the President of the United States, respecting the execution of that part of the convention which relates to the obligations of the said States, in order that he may acquaint his government with the same.

The undersigned does not suppose that the modifications which the convention has undergone in its ratification by the United States, can prevent the federal government from proceeding in the execution on its part, without waiting for the exchange of the respective ratifications.



These modifications can, on no ground, form an obstacle, unless an apprehension is entertained that by them, the ratification of the first consul, may be rendered uncertain. Although the undersigned is, in this respect, without instructions, he does not hesitate to say, that this apprehension appears unfounded.—The immediate approbation, and the anticipated execution which the first magistrate has given to this act, sufficiently prove the opinion which he entertains of it, and there is no probability that this opinion will be changed. The undersigned at least, ventures to presume, that it will not be changed by alterations which have no other effect, (if the undersigned is rightly informed) than to render the principle of the treaty more and more sacred—a principle of which the object is, to remove pretensions of the respective parties, the discussion of which might have thrown serious difficulties in the way of the negotiation, and have rendered the issue of it questionable.

Agreeably to the preceding remarks, which will appear, without doubt, plausible to the Secretary of State, the undersigned presumes that the conditional ratification of the Senate, having left all the articles subsisting which stipulate reciprocal restitutions, the President will have taken the proper measures for preventing condemnations of French property, contrary to the 4th article, or at least, that where those condemnations shall have taken place, or shall continue in the federal courts, he will assure to the aggrieved parties, the indemnities contemplated by that article. The undersigned being authorized by his government, to take into his possession, the property of individuals not claimed by them, which may be restored in virtue of this stipulation, finds in this authorization, a new motive for desiring to know both the measures and the disposition of the federal government upon this point. He will add, that if he is induced, for the sake of those who are interested on the part of the French, to wish that the exchange of the ratifications may be anticipated in making these restitutions, this anticipation will be no more than to reciprocate what the French government has done, even when the ratification of the United States could not have been foreseen by it.

An article, to which it is natural to suppose that the French government attaches importance, is that which

concerns the restitution of vessels of war. The undersigned will say nothing of the considerations which rendered it desirable that this restitution should take place. It is sufficient to call to mind, that many French vessels of war, of different forces, have been taken by the vessels of the United States. The undersigned desires to know the intention of the government of the United States, as well respecting those of the vessels in question, which are on foreign stations, as those which are now in American ports ; in order that he may take his measures accordingly. As to the last, of which the undersigned will be in a situation to take immediate possession, he imagines that the government of the United States will consider themselves bound to restore them in the state they were in at the time of their capture. From the information collected by the undersigned, it appears that the frigate *L'Insurgente* is lost. There is reason to believe that it will appear just to the President, to replace this frigate, or to pay the value of it to the Republick. The spirit of the treaty at least, and the principles of law, seem at the first view, to justify this hope ; and the undersigned imagines that in this case, it would be easy to come to an understanding as to which of the modes would be entitled to the preference.

It only remains for the undersigned, before concluding this note, to speak of the reciprocal communications of the two people, and of the measures taken upon one side and the other, to remove the obstacles which had, for a moment, interrupted it. The first consul, immediately on the signing of the treaty, gave orders in all the ports of the Republick, to remove the prohibitions which the reprisals had occasioned against American vessels. The copies transmitted with this note, by the undersigned, sufficiently prove, that all prohibitions in our colonies, if any ever existed, had been, or ought to have been long since removed. If the government of the United States, as there is reason to believe, has, upon their part, put an end to theirs, it is to be hoped that the customary relations will shortly be re-established. Although the respective obligations, in this particular, ought not in strictness, to commence until after the exchange of the ratifications—there is, however, reason to believe, that the federal government, upon this point, as well as upon others, will have felt the same anxious desire as the first consul, to re-

establish the ordinary connections of friendship and of commerce.

The undersigned hopes, that agreeably to these sentiments, the President of the United States, will have seen fit to take measures for putting an end to the unfriendly proceedings (to say no more,) which have taken place in the French colonies, with the sanction of the American government. A detail will not be attempted of the facts relating to the conduct of the naval forces of the United States, in regard to some of these colonies. Neither will the conduct be adverted to, which the accredited agents of the American government may have pursued, and the insinuations which they may have carried into some others of those colonies. All these acts ought to be forgotten; and there are grounds for presuming that the federal government has been forward to render, upon this point, the justice which that of the Republick required at an early period, by a letter from the minister of foreign relations, addressed to the American plenipotentiaries, at the moment of their departure.—The friendly dispositions, of which the undersigned, since his arrival, has received unequivocal proofs, assure him, if any thing remained to be done in this particular, conformable to the spirit of the treaty, and to the satisfactions which the respective dignity of the two states may require, that the President of the United States would hasten to take measures which should not leave the United States behind the French Republick, in striving for the perfect re-establishment of the good understanding between them.

The undersigned has the honour to pray the Secretary of State to be pleased to accept the assurances of his perfect consideration.

L. A. PICHON.

(No. I.)

DECISIONS made by the council of prizes, upon American cases, since the 9th Brumaire, 9th year.

*Vessels Captured.*

Names.	Captains.	Dates and brief statement of decisions.	
Ariana,	John Le Bosquet,	9 Brumaire,	Simple release.
Apollo,	John Walker,	13 do.	do.
Eleonora,	Lancelot Davidson,	do. do.	do.
Molly,	Burrowdale,	17 do.	Confiscation.
Martin,	Phillip Parcells,	27 do.	Simple release.
Suffolk,	Isaac Hussey,	do. do.	Discharged from court upon a simple demand for damages and interest, put in by the captured.
Amsterdam,	Adam Scott,	29 do.	Simple release.
Tom,	John Balseley,	3 Frimaire,	Vessel and cargo to be restored in their present state.
Flora,	Le Pelly,	do. do.	Agreement (between the parties) confirmed.
Poolcary,	John Besson,	3 do.	Simple release.
Fame,	John Rusth,	23 do.	do.
Aime and Susanne, }	Richard Pickelt,	27 do.	do.

DURAND, Commissary of the Government  
with the Council of Prizes.

True copy.

L. A. PICHON.

*Extract of a Letter from the Minister of the Marine and of the Colonies, to the Agents of the French Government in the Colonies. Paris, 21 Vendemiaire, year 9. October 12, 1800.*

A CONVENTION, citizens, which re-establishes between the French Republick and the United States of America, the ordinary relations of friendship and of commerce, has been signed at Paris, the 8th of this month, by the ministers plenipotentiary of the two powers. It immedi-



ately received the approbation of the first consul, and it is about to be submitted for the ratification of the American government.

Two articles of this convention, the 4th and 17th, are already obligatory upon the two contracting nations, according to the precise letter of those articles; and you will find annexed, copies of these two articles, to which I enjoin you to conform with the greatest punctuality.

The 4th article settles the conditions upon which restitutions are to be reciprocally made, of property captured and not finally condemned; or which may be captured before the exchange of the ratifications. It is there expressly stipulated, that if property has been condemned contrary to the spirit of the convention, it shall be restored or paid for immediately; and this article is executory from this moment.

Thus it would be upon the publick treasure, upon your fellow citizens themselves, that the fault which you may commit, will fall, if you permit an infraction of this convention to be made, or a judgment to be executed, which it would disallow. But I do not admit the possibility of such an impropriety in your conduct. You become this day responsible for the execution of the stipulations which have been concluded between France and the United States; and this responsibility will not be illusory. The government will not, with impunity, suffer an indemnity to be borne by the Republick, to the payment of which, you shall either negligently or knowingly have contributed.

The 17th article establishes the rules which the two powers mutually acknowledge, in relation to the navigation of their respective vessels, when one shall be engaged in war, and the other remains neuter. This article comprehends, in a great measure, the provisions of the 4th, and fixes (to use the expression) the legislation common to both nations, so far as respects maritime prizes, and will consequently be the rule of your conduct, from this day forward.

The friendly relations which existed between the Republick and the United States being re-established, it is useless to seek for the causes which have produced a momentary misunderstanding, the consequences of which have been unhappy for both parties. The same sentiments, the same motives, which for a long time united

them, have again brought them together, and the inhabitants of the colonies will share the satisfaction which has been felt, in consequence of this reconciliation in the mother country. She is, in effect, about to open for these countries new outlets for the produce of the soil, and of industry, to bring back a competition equally favourable to the consumers, and to the progress of cultivation. She will, above all, efface all traces of those transactions, which either executed, or only projected in some colonies, have presented the criminal example of an entire forgetfulness of all patriotick principles, and of a disposition marked with ingratitude and infidelity towards the mother country. This convention also puts an end to all pretexts for those hostile measures which the administrations of many French possessions beyond sea have permitted against the American navigation. It goes, in short, to restore immediately the ancient connections which existed between the two governments, by means of commissaries of commercial relations. I recommend to you particularly to maintain a regular correspondence with the commissary general, appointed for the United States, as well upon those objects which relate to the convention of 8th Vendemiaire, as upon the attempts which our enemies may make to engage this power with them, or to introduce themselves fraudulently through the assistance which they may derive from a similarity of language, manners, and mode of ship-building. The American government, informed by this agent, of the fears and suspicions which you may have reason to entertain, will apply itself, without doubt, to remove the causes which produced them; and you will easily perceive that the confidence which induces such measures is suggested by the reconciliation which has been effected between the two nations.

The loyalty of the French, the faith due to treaties, and the interest of the Republick, unite them to require it as a duty from all the agents of the government, to prevent, by their vigilance, their integrity, and their firmness, every thing by which the state of peace might be disturbed.

One of the surest means for attaining this end is to keep the strictest watch over vessels fitted out for cruising, and

to require from those fitting them out a rigid observance of the laws and regulations.

There may be no occasion for me to awaken your attention upon this subject; but multiplied facts, and those too of a recent date, force me to believe that the privateers in our colonies are guilty, with impunity, of the most shameful robberies.

Instead of attacking the real enemies of France, against whom it would be glorious and useful to engage, the privateers employ the whole time of their cruise in interrupting the trade of allies and of neutrals. But I will not conceal from you, citizens, that the charges which I have mentioned against the privateers, are daily made by the agents of every foreign power, and are often made even by those of our citizens who have been compelled by circumstances to make use of a neutral flag, and pointed at the superiour administrations of the colonies.

They are accused of openly suffering these abuses; of permitting weak and feebly armed privateers to take the sea, better fitted for pillage than for combat; of not requiring from every person fitting out a privateer the bail which the law of 23d Thermidor, third year, with so much reason, requires as a security for indemnification to the navigator illegally captured; and of declaring to be valid prizes taken in contempt of the law of nations, of treaties, and of our own laws and regulations.

You will perceive what suspicions are excited against the publick functionaries, who are the objects of such charges as these. Your delicacy, then, as well as your duty, will incite you to prevent complaints of this nature; and if, as I cannot yet bring myself to believe, they are substantially founded, you are so much the more blameable, as you will not only have acted contrary to the laws and interests of your country, but will also have disregarded the instructions which you have received.

A great part of the complaints which I now transmit to you, might have been prevented, if the administrators of the colonies had taken care that no privateers should be fitted out, but such as were in a condition to resist the enemy. The expense itself of such vessels would have been, in some measure, a security for the solvency of the owner, and of course for his conduct towards the vessels of allies and of neutrals; and besides, an honest and pru-

dent merchant, of easy circumstances, would never expose himself to the dangers which he would incur by an illegal, or even by a hazardous capture.

I prescribe it to you, therefore, as a rule, not to suffer any vessel to be fitted out with arms, the capacity of which is not sufficient to take on board at least three months' provisions, and which does not carry at least 16 guns, if four pounders, or 12 six pounders.

FORFAIT.

L. A. PICHON.

A true extract.

*Extract of a Letter from the Minister of Foreign Relations, to Citizen Pichon. Paris, 14 Nivose, year 9, Jan. 3, 1801.*

I HAVE this very day written to the council of prizes, requesting them to adjourn to an indefinite period all decisions upon every kind of property seized under the flag of the United States.

If this adjournment excites any inquietude in the United States, you will say, that far from being intended to defer restitutions, it is, on the contrary, calculated to render them both more prompt and more certain.

As soon as the convention shall be ratified upon both sides, I will urge forward a decree of the consuls, which shall replevy for the Americans all the prizes, the restitution of which has been engaged for. This step, in the first place, is the only one consistent with principle. It is, moreover, the most advantageous for the Americans, since it does away the intervention of the council of prizes, which could proceed only partially in the restitutions; and will save them from the unavoidable delays in its proceedings.

CH. MAU. TALLEYRAND.

True extract.

L. A. PICHON.

*The Secretary of the Navy to S. Higginson and Co. March 20, 1801.*

"THE French national ship the Berceau, captured by capt. Little, is to be restored under the treaty.

"You will please to cause her to be delivered, with all her guns, ammunition, apparel, and every thing belonging



to her, to the order of Mr. Pichon, commissary general and charge des affaires, from the French government to the government of the United States, whenever such orders shall appear.

"This business should be done as if no reluctance accompanied the restoration. We are now at peace with France, and we should act as if we returned to a state of amity with pleasure. Let there be no cause of complaint against the government or its agents.

"I have the honour, &c."

*The Secretary of the Navy to Messrs. S. Higginson and Co.  
March 20, 1801.*

ENCLOSED is an account exhibited by the lieutenant of the *Berceau*, of the pay due to the officers of that vessel from their government, from the time of their capture to the 25th Ventose, amounting to four thousand seven hundred and fifty livres.

Instead of allowing them two dollars per week, as you have heretofore been requested, it is the President's desire that you pay to lieut. Clements the amount of this account, taking his receipt for the same, which you will send to the accountant of the navy as your voucher.

I have the honour, &c.

*Extract.—The Secretary of the Navy, to Samuel Brown,  
Esq. April 1, 1801.*

"I HAVE to request that you will be pleased to ascertain without delay the state the French national ship *Le Berceau* was in at the time of her capture, as to her armament, stores, and provisions, and to cause her to be put in the same condition before she is delivered up to the French government."

*To Samuel Brown, Esq. Boston.—April 10, 1801.*

I HAVE received a letter of the 27th ultimo from Messrs. Higginson and Co. who informed me that they expected to transport all the white French prisoners to New York, and that about seventy blacks would remain in their cus-

today, whom they intended to send to New York as soon as they could provide a vessel to take them round. If their intentions in either or both cases have been frustrated, I request that the prisoners may be retained at Boston, as the whites will be wanted for the Berceau, and the blacks will be sent direct from Boston by Mr. Pichon.

I have the honour, &c.

*Washington City, 13 Germinal, 9th year, (3d April, 1801.)*

SIR,—I have learnt, since my arrival in the United States, that many of the French prisoners brought in by American vessels of war are still remaining here. No measures having been taken by my government for facing the wants occasioned by a circumstance entirely unforeseen, I find myself not in a situation to relieve the first necessities of these prisoners. All that I can do is, to procure them a passage back to France or to the colonies. The benevolent dispositions, sir, which you have been pleased to manifest to citizen Letombe, by your letter of the 10th March, encourage me to request you to obtain from the President of the United States, the necessary authorizations, by which all the individuals who have been brought here in consequence of the past misunderstanding, and who are delivered up to the agents of the Republick, may receive from the United States a daily supply, until the time of their departure, which I will take measures to effect without delay. The supplies, sir, shall be placed to the account of the French Republick, in whose name I will hasten to liquidate and acknowledge this debt; and also to discharge it by drafts on the national treasury, or by any other means in my power. These measures are not only consistent with the sentiments of conciliation which animate the two governments, but they are also conformable to the usage which has always prevailed, and which requires that prisoners or other persons detained by a power, should be supported by the power detaining them.

Be pleased, sir, to accept the assurance of my high consideration.

L. A. PICHON.

To the Secretary of State }  
of the United States. }

*Georgetown, 1st Floreal, year 9, (April 21, 1801.)*

SIR,—I have had the honour to transmit you the copy of the instructions which the minister of the marine sent to the French colonies, to insure the execution of those articles of the treaty which were obligatory from the time of its being signed, and to prevent a repetition of what had passed in those colonies. I have much pleasure in transmitting to you official proofs of the prompt effect which these orders have produced in Guadaloupe. They are contained in the correspondence of the agents of the consuls of the Republick, which has reached me very shortly since, in consequence of the instruction given to all the agents of the Republick in the colonies, to keep me informed of the measures which they might take in obeying the injunctions of the first consul. I confine myself to lay before you, among the numerous documents which they have sent me,—1st, Extract of the letter which they have written to me.—2d, A printed copy of the order which they published as soon as they received those of the government.—3d, Extract of a letter written by these agents to Mr. Murray, commander of the United States frigate the *Constellation*, and containing a list of the American vessels which they had released.—4th, Lastly, copy of an order which they have addressed to all their delegates, in the colonies of neutrals and allies, as well as to the auctioneers of the island, to obtain a knowledge of the condemnations made since the signing of the treaty, and to prepare the means for obtaining the restitutions directed by the fourth article. I will add, sir, that previously, viz. on 28 Nivose, the agents had enjoined upon their delegates not to deliver to the captors any funds arising from prizes standing in this predicament.

It is, sir, very agreeable to me to have to give you circumstantial and official details of these proceedings, which the President of the United States will have already been acquainted with, from the papers which have been published. I beg you, sir, to submit these documents to him, and to give him the assurance that I shall make it a duty to co-operate to the last moment in perfectly and fully executing the treaty, whenever the United States, or their citizens, shall have claims for restitution to carry forward.

You will, without doubt, sir, think it advisable to inform the parties interested, of the dispositions of the agents at Guadaloupe, that they may take measures for claiming their property : And, in general, it may perhaps appear to you desirable to inform the publick of the eagerness to repair the wrongs occasioned by the misunderstanding which has been, and is shewn by the authorities in that colony, where, at first sight, the greatest and most multiplied causes of irritation appear to have been given.

Accept, sir, the assurance of my respect, and of my high consideration.

L. A. PICHON.

*Extract—April 29, 1801. Porto Rico, 4th Floreal, 9th year of the French Republick, one and indivisible. The Delegate of the Agents of the Consuls of the French Republick to the Windward Islands, at the Island of Porto Rico, to Citizen Letombe, Charge des Affaires and Commissary General of Commercial Relations of the French Republick, at Philadelphia.*

As soon as I was officially informed of the convention before mentioned, and of the circular of the agents of the consuls, I released all the vessels which were unsold, and I took measures for defending the interests of the Americans, who might have claims for restitution to establish.

I will, in like manner, make acquainted with your letter the agents of the consuls of the Republick at the Windward Islands. I have no doubt that the demand of Mr. Watmouth will be received with all the favour which it merits. Health and consideration.

The Delegate BOURCIER.

Copy.

L. A. PICHON.

*The Secretary of the Navy to Samuel Brown, Esq. Boston.  
May 4, 1801.*

SIR,—Dr. Thomas Welsh is to be allowed for his attendance on French prisoners, from June 15, 1799, to April 1, 1801, at the rate of twenty dollars per month, and his account of medicines, say eighty dollars forty-seven cents. Upon his calling upon you, you will be pleased to pay him at that rate. I have the honour, &c.



*The Secretary of the Navy to Samuel Brown, Esq. Boston  
May 18, 1801.*

SIR,—Sixty-nine French prisoners have been sent to New York, and are to be transported from thence to Boston, there to be delivered to such officers as Mr. Pichon may appoint to receive them; they will be directed to you, and I have to request your attention to their delivery.

With much respect, I have the honour, &c.

*Extract of a Letter from Mr. Pichon to the Secretary of State. Philadelphia, June 18, 1801.*

To return, sir, in effect, to the objects which are the subject of your reply, it only remains for me to pray you to offer to the President of the United States my thanks for the decisions, which you have communicated to me from him. As to the sum of 15,000 dollars, advanced by the United States, to succour the colonists who had fled from St. Domingo, I hesitate so little to acknowledge that the French Republick is accountable for it to these states, and am so sure that the principles which govern the first consul of the Republick will lead him to admit this obligation, that I offer, sir, to include it in the liquidation, which I am desirous of making as soon as possible, of the claims which the federal government has upon that of the Republick, for the different advances which it has made for our prisoners, since the misunderstanding, and for every other purpose. I have had the honour, sir, of praying you to be pleased to invite the respective departments, who have made these advances, to prepare their accounts. As soon as all expenses of this kind shall be closed, I shall think myself sufficiently authorized to settle and adjust them.

*Extract—Samuel Brown to the Secretary of the Navy.  
Boston, June 24, 1801.*

“ON Monday the 22d, the corvette *Le Berceau* was delivered to the commissary of the French government, and the captain at the same time took charge of her. At the

request of the commissary and captain, and from the necessity of the case, I have furnished some articles which may not have been on board at the time of the capture, such as hammocks, blankets; and if then on board they were retained wholly or in part by the crew. The captain now wishes to be furnished with silver spoons, plated ware, china, &c. for his cabin. These I cannot provide without your special directions, as I do not suppose they were on board at the time of the capture. The commissary is willing on the part of his government, to engage to pay for all articles supplied, that probably were not then on board the corvette."

*Extract—Secretary of the Navy to S. Brown, Esq. July 3, 1801.*

"THERE is no doubt that the *Berceau* has been sufficiently repaired and furnished; of course no more expense must be incurred on the part of the United States on her account. It will be proper that you write a letter to this department, stating particularly the repairs and supplies she received at the publick expense, and the precise state and condition she was in, as to her equipments of every kind, on her delivery to the officers appointed on the part of the French Republick to receive her. The day of the delivery should also be stated."

*The Secretary of the Navy to L. A. Pichon, Esq. July 8, 1801.*

SIR,—I have caused to be examined the transactions relative to the payment of money by order of this department to the officers of the French corvette *Le Berceau*, and find that the sum of eight hundred and seventy dollars, and eighty-three cents, equal to 4,750 livres, was paid into the hands of lieutenant Clement by Messrs. S. Higginson and Co. navy agents, at Boston; copy of the pay roll and Mr. Clement's receipt is enclosed herewith. This appears to be the only money advanced by the United States to these officers on account of their pay. Other moneys have been however advanced to them on account of subsistence whilst they were considered as prisoners; the pre-

cise amount of which cannot now be ascertained, as the accounts are in an unsettled state.

I have the honour, &c.

STATEMENT of the payments made to the officers of the *Berceau* by Stephen Higginson and Co. as navy agents at Boston.

	Livres.
Lieutenant Clement. from the 13th October 1800, to the 13th March, 1801, 5 months, at 200 livres per month,	1,000
Lewis Poutin, master, ditto,	1,000
John Troquereau, marine officer, ditto,	1,000
Joseph Robert, surgeon, ditto,	1,000
Stephen Borde, surgeon's mate, at 150 livres per month,	750
	<hr/>
	Livres, 4,750
	Dolls. 870, 83 cts.

Navy Department, Accountant's Office, April 9, 1802.

THO. TURNER, Acct.

*Extracts of a Letter from Mr. Pichon to the Secretary of State, July 10, 1801.*

2d. WHAT course the President of the United States will follow with regard to the restitution of property under the article of the treaty, it being known that France has actually restored many vessels; whether the government will be able to procure restitution, or whether it must be subject to legislative co-operation.

3d. Citizen Pichon, as he intimated it, is authorized to take possession of all the property which is to be restored to individuals who are not present, or have no attorneys. The present state of war, and the constant habit of the consular administration of France which has made consuls guardians of property belonging to absentees, has suggested the measure; and other obvious reasons make it expedient for the administration and individuals both.

4th. In all prizes made by American publick vessels, one half of the capture accruing to the United States, citi-

zen Pichon wishes to know whether even that half of the property is only to be restored by legislative concurrence, or whether the executive can give it up. It would be peculiarly gratifying in the case of the Vengeance, where individuals are yet present, and are soon embarking for France, at which place, from their military situation, it will prove extremely difficult for them to obtain their *quota* of the restored property.

6th. No answer has been yet made on the case of the *Insurgente*. Inquiries must have been made at the navy department to ascertain some facts which may be elucidated by the discussion of that case.

*Extract of a Letter from Samuel Brown, Navy Agent at Boston, to the Secretary of the Navy, dated the 13th July, 1801.*

“THE fitting out of the corvette *Le Berceau* has been attended with too much delay. She ought to have been at sea before this time ; but it has not been in my power to hasten her departure. I have repeatedly urged the necessity, that the expense of subsisting the crew might be extinguished, but my endeavours have not had much effect. The precise attachment of the officers to their own manner of conducting the arrangements and equipments of the ship, has been the cause of much delay. The want of inferior officers, which I understand still exists, has been another. In instances where the necessity of receiving certain articles on board has been urged, the answer has been, that there was no carpenter, sail-maker, gunner, or other petty officers on board to superintend those departments, and therefore the articles could not be received. A refusal to supply all the articles they have demanded perhaps may have been another cause for the delay. The sails of the ship are not yet bent, and some of the stores remain to be delivered. I hope, however, that a few days will now bring this business to a close. The quantity and quality of many of the articles required at times were such, and the mode of indenting for them became so inconvenient and wasteful of time, that I was induced on the 30th of June to write to commissary Guirard on the subject. I enclose a copy of the letter.”



*Boston, June 30, 1801.*

CITIZEN COMMISSARY,—As indents of supplies for several departments on board of the corvette *Le Berceau* are daily presented to me, I wish to call to your remembrance that my instructions from the Secretary of the navy admit me only in directing the repairs and the equipment, to restore the corvette to the state she was in anterior to her coming into possession of the United States.—I cannot, therefore, you will see, be justified in furnishing any article whatever for her use, that was not on board at that period. If it should at any time happen, therefore, that any article required by the indents should not be immediately furnished, I must beg of you to attribute it to the necessity I feel in adhering to the instructions. In supplying the hammocks and blankets, I probably departed from them; but as humanity required it, my feelings compelled me to furnish those articles.

In any instances where evidence cannot be obtained of the exact quantity, number or quality of any deficient article, I presume a discretion is placed in me to decide what ought to be done. In those instances it has been and will be my disposition to observe a liberal conduct, presuming such to be the disposition of our government. I will state, as an instance, the cordage and sails furnished the corvette.

The articles necessary to complete her equipment and stores, that are to be furnished by the United States, being all ready to be delivered, I hope that orders will now be given to receive them on board without delay. As it must be desirable to extinguish the daily expenses of subsisting the crew, joined to my wish that she may be in readiness for sea as soon as possible, induces me to make this request.

I trust that some arrangement will shortly be made for supplying any articles that may be required for the use of the corvette, which I may not feel myself warranted in furnishing; but the want of such articles ought not to protract the operations that are necessary to prepare her for sea. I am, &c.

SAMUEL BROWN.

Mons. Guirard.

*Extract of a Letter from Samuel Brown, Navy Agent at Boston, to Levi Lincoln, Esq. without date, but received August 27, 1801.*

THE capture was made on the 12th of October, 1800. On the 14th November the corvette arrived here ; on the 17th she was libelled and condemned, with her guns, apparel, appurtenances and effects, at the district court in December term, 1800. On the 30th of that month she was dismantled, and sold on the 15th of January last by the marshal of the district ; and bought in for the United States by order of Stephen Higginson and Co. I cannot find that there was any property taken on board of her that was not libelled, excepting such as was given up to the officers by the captain of the Boston at the time of capture.

The instructions, I received from the Secretary of the Navy on the subject of her repairs, authorized me "to ascertain the state she was in at the time of her capture as to her armament, stores and provisions, and to cause her to be put in the same condition to be delivered up to the French government." I have presumed it was the meaning of the instructions, though not fully expressed, that the corvette should be restored, in all respects, to the condition she was in immediately anterior to the commencement of the action with the Boston. I have therefore endeavoured, in directing the repairs and furnishing the supplies, to be governed as far as possible by this principle, which I made known to such of the principal workmen employed in the repairs as appeared to be expedient. But an adherence to the rule, with a few exceptions, was soon found impracticable, but every departure produced an expense to the United States ; for example, the stays, shrouds, and all the cordage were unavoidably replaced with new for old. The rule of course was violated, as the old was not worth more than two thirds the price of new. The corvette was in this respect therefore placed in a better condition than she was at the commencement of the action ; but the United States lost by it the difference in the value of the new and old cordage. This was also the case with her sails, with her masts, spars, tops and caps ; with the carpenters work, with the iron work, and with

many other supplies too numerous to be detailed here. Her stores, &c. thus furnished may, I presume, be estimated to be worth on an average thirty per cent. more than the stores they have replaced.

*Georgetown, 6 Vendemiaire, year 10. (Sept. 28, 1801.)*

It is with much pleasure that citizen Pichon communicates to Mr. Madison the enclosed extract of a letter, which he has just received from governour La Crosse. It will shew the disposition which animates this officer, as well as the spirit in which his instructions are conceived. General La Crosse, in the same despatch, while replying to the instances, which citizen Pichon, as is known to Mr. Madison, had made to him, for indemnifying immediately the five or six cases of prizes, which come within the treaty, opens to him with great confidence, the motives which have induced him to refer the claims for restitution to the government. The 1st is the exhausted state of his funds. The 2nd, the obligation, which he really and conscientiously believed himself under, of referring the question to the council of prizes, which, according to the law whereby it is established, pronounces in the last resort; the prizes in question being posterior to its establishment. The 3d motive is, the desire which he has to receive from government answers to some questions which he had proposed upon this kind of business, his present instructions not being sufficiently particular for him to act upon. The general, besides, assures citizen Pichon of two things: First, That immediately upon the decision of the council being known, he will pursue the captors with all possible severity. Second, That he will himself, as soon as the minister replies to his questions, use all his efforts to indemnify the sufferers.

General La Crosse also advises citizen Pichon that he will be under the necessity of imposing a duty upon the entry and exportation of merchandize from the colony. When the measure is taken, citizen Pichon will be informed of it, and he will communicate it to Mr. Madison, whom he prays to accept his respects.

With the Note of }  
 L. A. Pichon of }  
 Sept. 28, 1801. }

*Extract of a Letter from Rear Admiral La Crosse, Captain General of Guadaloupe and its Dependencies, to Citizen Pichon, Commissary General, Charge des Affaires of the French Republick, dated 14 Fructidor, year 9, (September 1, 1801.)*

“ A VERY important object, that of the vessels of the United States carrying away our black cultivators, obliges me to take a very rigorous resolution against those who so audaciously violate the publick law. Lately an American captain took six, which he carried off with him. He was arrested and convicted of the offence. But in taking general measures upon this subject, I thought that I ought to give a proof of the indulgence of the French government towards the subjects of a nation, with which we ought to be intimately connected. I shall be glad, if you will confer upon it with the Secretary of State of the United States, because I am convinced beforehand, that he will find no measures severe enough for punishing such a violation of the laws of our territory. You will do me the greatest pleasure to give me your ideas, and his, upon this subject.

LA CROSSE.

*Boston, October 31, 1801.*

SIR,—I now enclose an account of the repairs made on, and the supplies furnished to the French national corvette *Le Berceau*, agreeably to your instructions of the 2nd of April last, amounting to \$32,839 54 cents, to wit: Supplies from publick property \$18,345 10 cents, and bills discharged by cash for repairs and supplies, \$14,494 44 cents. As some of the indents for supplies were not made out till a short time previously to her departure, I have not therefore been able to furnish the account before this time. I have thought it would be proper, in order to shew as fully as possible, the state of her equipment, to begin the account by detailing the supplies furnished from the inventory of the stores purchased with the hull of the corvette by Messrs Higginson and Co. the late agents; but



presuming the cost of those stores has been forwarded to the navy department, I have supposed it to be unnecessary to carry out a price against them. The supplies furnished from the property of the publick follow next, in the account, to which I have affixed a price. And lastly, the bills for repairs and supplies which have been discharged by cash.

Some of the stores of the inventory of Le Berceau were left on hand after the equipment, which with a quantity of old copper taken from her bottom, have been delivered to major Gibbs, whose receipt is enclosed.

In your letter of the 8th July, you have advised that it would be proper for me to state particularly, by letter to your department, the repairs and supplies received by the Le Berceau at the publick expense. You have also directed to be stated the precise condition she was in, as to her equipment of every kind, on the delivery to the officers appointed on the part of the French Republick to receive her. On the 23d June she was formally delivered up, but, as many of the supplies to her were necessarily made after that time, I conceive the object intended would not be embraced by stating her condition at that period. I think there is no better way of ascertaining the repairs and supplies she received at the publick expense, and the condition of her equipment at the termination of the supplies, than by a reference to the account, which I hope you will think to be sufficiently explanatory. But it may not however be amiss in me, to make some general observations on the subject. I shall therefore say, that the best shipwrights, blacksmiths, caulkers, joiners, mast-makers, riggers, and other workmen in this place, were employed on the repairs, that their work was well executed, and that the materials furnished for the purpose, were of the best kind. That wherever the copper on her bottom appeared to have received any injury, it was repaired with new. In these respects there cannot be a doubt of her being placed in a better condition than she was in at the period immediately anterior to the action with the Boston. Her masts, bowsprit, spars, tops and caps, were all new, and made in the best and most substantial manner. Her shrouds, stays and cordage were also all new, and of the best quality, being made of the finest yarns, excepting about four tons of the latter, supplied from the inventory purchased by the

late agents at auction. She was furnished with a new cable of 18 inches, 120 fathom in length, and amply supplied with spare cordage. In addition to upwards of thirty sails that were saved from the wreck, which were put in good order, she was furnished with a complete new suit of sails, made of the best duck. Her condition as to her masts, spars, shrouds, stays and sails, was doubtless made much better by the repairs, than at the period referred to above.

Her supply of blocks and block work was ample. She was furnished with a new barge, and her other boats were well repaired, and she was abundantly supplied with water casks. The surgeon's department was well furnished, excepting amputating instruments, which were not supplied, as it was discovered that her former surgeon had kept possession of those that were on board at the capture. Her cabin was sufficiently furnished with tables, desks, chairs, crockery-ware, and other furniture. In these respects there cannot be a doubt, she was also placed in a better condition than she was in at the period before referred to.

In conforming to the indents of the captain, she was furnished with beef, pork, bread, beans, rice, flour, oil, rum, wine, and other stores, for a voyage of three months, which were of the best kind.

The gunpowder, and other military stores supplied her, were also furnished in conformity to the indents of the captain.

She mounted on her battery, twenty-two nine pound cannon, and two short twelve pound carronades.

On the 26th of last month she departed from hence for sea. The pilot that carried her out, has since returned, having continued on board until she was fifty leagues at sea, when he was put on board of a vessel bound hither.

The bills in the account, agreeably to the abstract enclosed marked No. 1, amounting to \$519 37 cents, may not perhaps be considered as proper charges against the outfits of the corvette, as they were for supplies so made to her crew, soon after her arrival here, and for their transportation to New York; I have presumed, however, that there would be no impropriety in placing them therein.

The bills and supplies charged agreeably to abstract, enclosed, marked No. 2, amounting to \$3430 82 cents, for the hire of Apple Island, for blankets and hammocks, for the transportation of the crew from New York, and for

their subsistence after their arrival here, till they were ordered by the captain to repair on board of the corvette, I have supposed, from the nature of the supplies and charges, might be reimbursed by the French government. Necessity obliged me to furnish them, as the French commissary had then neither money nor credit, to enable him to do it. I also forward by this post, in a separate enclosure, the vouchers of the bills paid for the supplies made to the *Le Berceau*, being from No. 1, to No. 114.

I am, with great respect, sir, your most humble servant.

SAMUEL BROWN.

Original cost of the corvette *Berceau* \$13,349 44

Commission on the purchase, 2 per  
cent.

266 93

---

13,616 32

Repairs of the *Berceau*

32,839 54

---

\$46,455 86

French convention signed by the plenipotentiaries of the two nations, Sept. 30, 1800.

Ratified by Mr. Adams, with exception, &c. February 18, 1801.

Agreed to by Bonaparte, July 31, 1801.

Promulgated by the President, Dec. 21, 1801.

*Messrs. Stephen Higginson and Co. Boston, Jan. 15, 1801.*

*Bought at Auction.*

*Dls. Cts.*  
8000

Ship Berceau, per inventory		<i>Dls. Cts.</i>		<i>Dls. Cts.</i>	
925	shot, 9 and 12 lb.	-	-	16	148
48	hand grenadoes	-	-	17	8 16
11	pair 9 pound cannon carriages	-	-	160	1760
1	pair 12 pound carronades	-	-		105
48	iron bound large casks	-	-	8 25	396
26	do. 50 gallons	-	-	3	78
18	do. 19 and 30	-	-	1 20	21 60
1	iron bound hhd. 2 harness tubs, 1 empty quarter cask	-	-		6
4	coils cordage 6 2 14	-	-	11 25	74 53
4	do. 4 2 9	-	-	15 50	71
4	do. 4 2 21	-	-	15 50	72 16
6	do. 8 0 24	-	-	13 50	110 90
69	muskets and 75 bayonets	-	-	5	345
2	pair blunderbusses	-	-	9 50	19
5	1-2 pair pistols	-	-	5 25	28 87
2	pair brass swivels	-	-	95	190
1	chest containing tools	-	-		10 50
13	lb. old iron	-	-	5 25	68 25
79	ensigns, jacks, and pendants	-	-	3 10	244 90
1	hawser 5 0 9	-	-	10 25	51 89
1	do. 2 2 10	-	-	9 25	23 94
1	do. 4 1 14	-	-	10 25	44 84
1	do. 9 2 0	-	-	14 75	140 12
131	3 0 standing rigging	-	-	5 25	691 68
67	1 0 running do.	-	-	9	605 25
1	3 10 do.	-	-	9	16 55
3	0 0 wads	-	-	2 10	16 80
				5349 44	
				13349 44	

Received payment of S. Higginson and Co. Navy Agents, amounting to thirteen thousand three hundred and forty-nine dollars and forty-four cents, in full.

S. BRADFORD, *Marshal,*  
*Massachusetts District.*



*Abstract of the Repairs and Expenditures on the French Corvette Le Berceau, by order of the Secretary of the Navy, under date April 2, 1801, viz.*

Publick Property.—

	Dls.	Cts.
Timber	481	79
Copper	904	75
Cordage	5980	
Powder	1981	80
Shot	245	28
Canvas	912	29
Sails	1782	83
Kentledge	1256	20
Sundry small articles	1580	05
Bread, soft,	898	59
hard,	1440	
	2338	59
Beef	170	
Pork	513	
	3021	59
Medicines	198	52
	18,345	10

Cash—Paid for the following bills.

	D.	C.		D.	C.
Edmund Hart, shipwright	1135	39	Isaac Collins, labour	724	
Eben. Leman, blacksmith	986	58	John Davis, do.	3	
Joab Hunt, ship joiner	178	94	Wm. Downe, do.	5	
John Edmonds, mason	7	25	Wm & I. Harris, mast-		
Wm. Bell, do.	16		makers	1084	51
Simeon Killen, carver	27		M'Cleennen and Sanders,		
P. Revere and Sons, cop-			riggers	722	91
persmiths	79	51	Jonas S. Bass, leather	79	10
John Odin, hardware	175	69	W. C. Hunneman, copper-		
John How & Sons, plumb-			smith	58	13
ers	9	25	Fowk & Dyer, blockmak-		
James Ridgway, painter	299	04	ers	13	87
James Prince, tar, &c.	21	90	Singleton & Himpson, do.	158	99
Fred. W. Major, do.	247	88	Jos. Lovering, jun & Co.		
Isaac P. Davis, rigging	202	75	candles, &c. 2 bills	61	39
Thomas and Watts, sail-			J. Hoffman, mattresses, &c.	13	44
makers	258	67	John May & Sons, store rent	45	
Wm. Otis Wyer, do.	71	35	Boot & Pratt, blankets	71	
John and B. T. Wells,			John Cushing, do. 2 bills	143	33
coppersmiths	18		Thos. Hastings, beer, 4 do.	228	
enj. Seward, gunsmith	115	04	Timothy Dodd, powder	3	
Wm. Callender, armourer	133	15	E. & S. Larkin, stationary,		
Elisha Segourney & Sons,			5 bills	104	55
iron hoops	34	67	John Hooton, wood	26	66
John Hooton, wood	47	17	Jos. Ripley, bread	42	67

Alley and Richardson, cop- persmiths	54 87	Andrew Dunlap, beer	2 25
James Davis, blacksmith	8	E. & A. Winchester, fresh provisions	767 28
Samuel Thaxter, repairing compasses	11	Jos. Russel, hire of island	150
Eben. Eaton, tinman, 2 bills	51 34	John May and Son, wharf- age, &c.	47 45
Joseph Roby, do.	51 39	Howard & Eaton, groceries	117 90
James T. Loring, medicines	84 12	J.W. Thatcher, matrasses, &c.	14 05
P. S. Medaro, putting up do.	20	John Pintard, freight of French prisoners from New York	300
Wm. Dodd, water	40 86	Joshua Hammond, do.	338 35
John Lambord, cooper	302 45	John Rowe, do to New York	333 33
Thayer & Chapman, ship- chandlers	345 73	Mons. Clement, expenses of do. at Nantucket	31 83
Ben. Summer, crockery- ware	159 54	Thomas Dillaway, fixing births on board cartel	27 81
David Tilden, wood	34	H. G. Otis, apprehending French prisoners	10
Lawrence Gray, ship- keeper, 2 bills	253 74	Jos. Lovering, jun. and Co. soap and oil for do.	11 86
David Tilden, scaleage	4 25	Charles Davis, wood axes for do.	4 83
John May & Son, dockage and wharfage	697 94	James Eunron, water casks for do.	72
Geo. Blanchage, truckage	62 49	Joseph Pierce, jun. ship chandlery for do.	27 71
Gleason and Thayer, do.	53 42		
John Sargent, lightorage	8 50		
Thomas Barmand, pilot	6		
Benj. West, truckage	113 66		
Joseph Ripley, rice	36 86		
Thomas Dennie, wine	100 50		
John Parker, rum	608 19		
Jos. Shed, groceries, 2 bills	254 55		
A. and C. Davis, flour	560		
David Whiton, fowls	11		
John Dawson, corn	6		
Thomas K. Jones, claret wine	327 40		

Boston, October 16, 1801.

Errors excepted.

SAMUEL BROWN.

*Extract of a Letter from Fulwar Skipwith, Esq. Commercial Agent of the United States, to the Secretary of State. Paris, Oct. 29, 1801.*

“FOR the information of our fellow citizens concerned in the causes of captured vessels in this country, since the institution of the council of prizes, I here transmit an official list of all those that have been condemned, of those that have been acquitted, and finally, of those now depending for trial before that tribunal.”

*A List of the Judgments rendered by the Council of Prizes, in the causes of American captured vessels; from its institution, to the 3d of Brumaire, 10th year, (October 25th, 1801.)*

CAPTURED VESSELS.		CAPTORS.	DECISIONS.	DATES.
Names.	Captains.			
The Pegou	J. Green	The Bravoure and the Cocarde	Released—with damages	Prairial 9 8
Union	Ab. Lunt	Tartare	do.	Messidor 9 8
Statira	J. Seaward	Hazard	Cargo condemned, ship released	Thermidor 6 8
Republican	J. Simpson	Spatriate	Condemned	do. 6 8
Peggy	G. Davidson	Grand Decidé	Released—compromise confirmed as far as relative to the damages	do.
Portland	J. Pollard	Diable à quatre	Condemned	do. 16
Polly	Ty. Tufts	Grand Buonaparte	Released—no damages	do. 19

CAPTURED VESSELS.		CAPTORS.	DECISIONS.	DATES.
<i>Names.</i>	<i>Captains.</i>			
Nancy	Lew Young	Caroline	Effects taken on board this vessel put to the disposal of government till they are claimed	Thermidor 19
Ruby	Luke Keefe	Bourgainville	Condemned	do. 27
Pearl	Wm. Latimer	Effronte & Légéré	Released with damages	do. 27
Hetty	Thos. Carter	Brave	Released—no damages	do. 27
Woodrop Sims	Hogdson	Heureux	Condemned	do. 29
Parkman	L. Mackmillan	Aventure	Condemned	do. 29
Retrieve	Rub. John	Impromptu	Compromise ratified by the council	Fructidor 7
Ruby	J. Girard	Venus	Released—no damages	do. 17
Columbia	Feb. Coran	Juste	Condemned	do. 23
Ann	Robt. Lord	Bellone	Condemned	do. do.
Exeter	Morgan	Légere	Released with damages	do. 27
Frederick	J. G. Clark	Arriège	Condemned	8
Ariadne	John Le Bosquet	Laure	Released—no damages	Brumaire 9
Apollo	John Walker	Overture	do. do.	do. 13
Eleonora	Lanc. Davidson	Légéré	do. do.	do. do.
Molly	Burrowdale	Eole	Condemned	do. 17
Martin, Norfolk	P. Parcells	Fortune	Released—no damages	do. 27
Suffolk	Is. Hussey	Overture	Damages not granted to the owners	do. do.
Amsterdam	Ad. Scott	Odele	Released—no damages	do. 29
Tom	Jo. Bailey	Eole	Released do.	Frimaire 3



CAPTURED VESSELS.		CAPTORS.	DECISIONS.	DATES.
<i>Names.</i>	<i>Captains.</i>			
Flora	Le Pelley	Bouches du Uione & l'Affrique	Compromise ratified	Frimaire 3
Pool Carey	Jo. Benson	Heureux Spéculation	Released—no damages	do. 9
Fame	John Rusth	Beyonnair	do.	do. 23
Ann Susann	Rich. Pickett	Heureux Spéculation	do.	do. 27
Minerva	Thomas Haward	Gironde	Desistance of the captors ratified	Nivose 17
Juliana	Thomas Churchill	Esperance	Condemned	do. do.
Eagle	Anth. Stolesbury	Minerva	Compromise ratified	do. 29
Lambert	Jos. Trask	Volney's 2d freres	do.	Floreale 27 9
Amazona		Mouche	Released—no damages	Fructidor 13
Lucy	William Russell	Struck near Calais	Permitted to put again to sea on bail, and afterward definitive- ly released	do. 13
Fanny	Jene Smith	Papillon	Released—no damages	do. do.
Argo	Chipman	Moucheron	do.	do. 17 9
Nancy	Appl. Warden	Juste	do.	do. 23
Charles Carter	J. Tomkins	Cygne	Released with damages	do. 27
Sally	Alex. Frazer	Emouches and Audaceux		
Pacific	Saml. Kenedy	Argus	Appeal rejected, as being too late	do. do.
			do.	Vindemiaire 3 10

CAPTURED VESSELS.		CAPTORS.	DECISIONS.	DATES.
<i>Names.</i>	<i>Captains.</i>			
Pomona	Robt. Hooper	Eole	Released—no damages	Vindemiaire 7
Lenox	Ruf. Green	Eole	Released do.	do. do.
Ann and Mary	Ths. Hunt	Espoir & Favour	Released with damages	do. 17
Rodolph Frederick	Ths. Crocker	Laure	Condemned	do. 23
Josephus	Wm. Loveless	Abeille es Mou- cheron	Released—no damages	do. do.
Dublin Packet	H. Green	Abeille	Condemned	do. do.
Alknomac	Miller	Gironde	Released—no damages	Brumaire 3
Amelia	Logan	Deux Amis	do.	do. do.

The above list of the judgments rendered by the council of prizes, on the American captured vessels is true and conformable to the records of said council.

CULMELIS, *Secretary Gl.*

A true copy.

F. SKIPWITH.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. APRIL 20, 1802.

I TRANSMIT you a report from the Secretary of State, with the information desired by a resolution of the House of Representatives of the 8th of January, relative to certain spoliations and other proceedings therein referred to.

TH: JEFFERSON.

April 20, 1802.

*Department of State, April 18, 1802.*

THE Secretary of State respectfully reports to the President the information requested by the resolution of the House of Representatives, of the 8th of January last, relative to spoliations, committed on the commerce of the United States, under Spanish authority; and also, relative to the imprisonment of the American consul at Saint Jago de Cuba.

This report has been delayed longer than was wished; but the delay has been made unavoidable by the sickness and absence of the chief clerk in this department, who had partially gone through the necessary researches, and could most readily have completed them.

JAMES MADISON.

*Philadelphia, October 10, 1801.*

SIR,—The situation in which I am placed, as president of an incorporated insurance company, affords me a pretence for addressing the Secretary of State on a subject in which I conceive the honour and interest of the United States are in a considerable degree involved. But as you will probably receive more formal applications on the same subject from other quarters, I shall be the less formal in my communication, considering it merely as an auxiliary which may or may not be brought into action.

as occasion may require. The chamber of commerce of this city have been collecting materials on which to form an address to the government, concerning the depredations lately made by the Spaniards on our commerce, in full confidence that proper measures will be taken to obtain from the Spanish government compensation for the injuries sustained, and security from farther depredations.

The sufferings and apprehensions of suffering from such depredations are far from being confined to this city: they extend to every sea-port in the Union, and though the merchants and insurers feel them most pointedly in the first instance, they are more or less affecting to every individual in the United States. I have lately received a letter of request from the three incorporated insurance companies in Baltimore, to join in devising a mode of laying the matter before our government. The chamber of commerce having previously taken up the business, I communicated this letter to them, presuming it will be properly regarded.

Since the measures lately taken by the British government respecting their colonial admiralty jurisdictions, we have perceived a sensible abatement of their unjustifiable treatment of the American commerce. And it is but justice to the French to admit, that, since the late convention, they have generally desisted from capturing our vessels, and have treated them in a friendly manner. It seems improbable therefore that they have either authorized or countenanced these captures by the Spaniards; nor can I conceive any ground for them more plausible than the idle pretence of holding Gibraltar in a state of blockade by a few paltry privateers. This, one would suppose, could not afford a tolerable pretence for capturing our vessels bound to their own ports, or others in amity with them, within the Mediterranean.

Vessels bound thither must necessarily pass near Gibraltar, and frequently find occasion to call there for information, or to obtain convoy. I therefore conclude that these depredations have been committed by marauders without the assent or knowledge of the Spanish government, and that they will be suppressed, and restitution awarded on application from the United States.



I have the honour to be, with due deference and respect,  
sir, your most obedient servant,

CHS. PETTIT.

James Madison, Esq. Secretary of State.

*Philadelphia, October 10, 1801.*

SIR,—I have the honour to send herewith a memorial from the chamber of commerce of this city, on the subject of Spanish captures, together with four letters, received by the owners of the captured vessels, which I pray the favour of you to lay before the President of the United States.

The business to which they relate has occasioned a very strong sensation in the minds of the merchants of this city. The property they have at risk is very great, and their information respecting its insecurity alarming. If Gibraltar is to be considered in a state of blockade, and American vessels directed to call there are, on that account, subject to capture and condemnation, there is reason to fear that most of those which were intended for the Mediterranean are in that predicament. They have generally been directed to call at that port, either to benefit of convoy, or to learn the state of the markets in the ports to which they were destined. And as Algeziras is so situated that few vessels can go in or out of Gibraltar without being seen from thence, it is hardly possible to escape the vigilance of their cruisers.

What the conduct of the Spanish tribunals (with respect to captures of this kind) may be, can only be conjectured, as no ultimate decisions had taken place in the cases immediately referred to. If we are to judge from the information received, and their conduct on former occasions, the prospect is sufficiently discouraging. Where the property has been of small value, it has sometimes been released, after long detention and considerable expense; but as yet we know no instance of restitution where the value was great, nor for what has been plundered by the captors.

The alarm created by these captures is not confined to Philadelphia. A letter from the insurance company of Baltimore, to the president of the insurance company of

North America, has already been received, proposing a joint representation to the President of the United States on this subject; and there is no doubt but like measures will be pursued by the other trading towns.

It is hoped that the representation now made will be thought of sufficient weight to engage the immediate attention of the President, and that such measures will be adopted as the nature and circumstances of the case require. As other information on this subject is received, it will be communicated to government; and when any measures are determined on by the President, proper for the merchants to know, a communication of them will be thankfully received.

In the mean time, I am with great respect, sir, your most humble servant,

THOMAS FITZSIMMONS,

President Chamber Commerce, Philadelphia.

Hon. James Madison, Esq.

*To THOMAS JEFFERSON, President of the United States, the Philadelphia Chamber of Commerce respectfully represent—*

THAT the commerce between the United States and the ports of the Mediterranean has become very important, and, from its extent, had furnished to the merchants the pleasing expectation that it might be so extended as to compensate, in some measure, for the restrictions they have experienced in other quarters; but, that it has latterly met with obstructions from vessels cruising under Spanish colours, which threaten its extinction.

By recent advices from thence, it appears that a number of American vessels have been captured and carried into the Spanish port of Algeziras; among which are three belonging to this port, and one to Baltimore, the value of which together exceeds four hundred thousand dollars.

That although the decision of the courts had not (at the dates of the advices) been made, and although it is possible some part of this property may be liberated, yet it is perfectly ascertained, that the vessels were plundered of goods to a considerable amount by the captors; and

that the passengers and crews were grossly abused and ill treated, for which no compensation or retribution was expected.

That the pretence for capturing these vessels is, that they were intended for Gibraltar; and it was publickly declared that all vessels which should touch, or intend to touch at that port, would, if met with, be subject to like consequences.

That Gibraltar is little resorted to by American vessels for the purposes of trade, but from its situation in relation to the Mediterranean, they are often obliged to put into that port; and of late, have generally been directed to do so, for the purpose of obtaining convoy from some of the national ships, against the Barbary corsairs.

Whether, under present circumstances, Gibraltar ought to be considered as in a state of blockade by the Spaniards, or not, we by no means undertake to determine; but we can assert with confidence that the merchants of this city have not had such notice thereof, as is usually given by nations acting with good faith to each other; although the United States have had a minister and consuls in that country, and the Spanish government have constantly had like functionaries residing in this. This government having given information that the American squadron would rendezvous at that place, and the commander be instructed to give convoy to their vessels, when applied for, and he could do it with propriety, their owners were led to conclude, that in endeavouring to benefit of that protection, they were not liable to be molested by any friendly power.

As it is extremely important to the American merchants to be informed whether under the existing circumstances they ought to consider the port of Gibraltar as blockaded, one object of their application to the President is, to obtain that information. Should it be so determined, they trust, till legal notice thereof shall have been given, they ought not to be subject to the losses and detention which they have experienced, and that retribution will be obtained therefor.

They flatter themselves too, that vessels which do not call there, or which may be obliged to put in by stress of weather, or for convoy, and not for the purposes of trade, may not be carried into the Spanish ports, and undergo

the losses attendant on such detention; but that where their papers are fair and clear, they may be permitted to pursue their voyages without molestation.

In full confidence that the President will take this, their respectful representation, into consideration, they console themselves with the hope, that he will take such measures thereon, as the nature and importance of the case may, in his opinion, require.

In behalf of the Chamber of Commerce of Philadelphia.

THOMAS FITZSIMMONS.

Philadelphia, Oct. 10, 1801.

*Algeziras, August 3, 1801.*

Messrs. Nicklin and Griffith—Gentlemen,

I WROTE you last in a hurry, acquainting the unfortunate capture of the ship Molly, after an action of two hours. You will please to observe, gentlemen, we were attacked under the red flag and French colours, although it appears, and indeed is actually the case, they were under Spanish commissions, and undoubtedly we have a plea and defence against the proceedings of those pirates. Mr. Gibson's communicating to you fully respecting the capture of the ship, and the situation she is in, if there are any hopes of her release, &c. it is unnecessary for me to mention any thing farther on that head.

With attention to your interest, I remain, gentlemen, your most obedient servant,

RICHARD FLIMM.

*Algeziras, July 26, 1801.*

Messrs. Willings and Francis—Gentlemen,

It is with sincere regret that I have to acquaint you of the capture of your brig Sophia, and of her arrival here on the 24th instant; and last evening, to increase the misfortune, the armed gun-ship the Molly, towed in by seven Spanish privateers, with whom she had warmly fought for upwards of two hours; but I have the pleasure to say, that Mr. Gibson, the captain, and officers, are well; several were wounded. The crew, without exception, have shared a similar fate to that which we experienced on board the



Amelia, being plundered of every article of clothing, and otherwise treated with the greatest inhumanity. I made two attempts to get along side, but so rigid are the privateersmen, that I was reluctantly compelled to sheer off; however, I shall use the greatest exertions to afford them relief; and you may be assured of my utmost endeavours to make myself serviceable, and I feel it more particularly my duty where you are so deeply interested. I have offered a trifling gratification to get the Sophia liberated from quarantine, and I am in hopes that tomorrow Mr. Dugan will be on shore. I have received your favours by that gentleman, and have taken means to get the business in a train, the result of which I shall not fail communicating.

In great haste, gentlemen, believe me, very respectfully,  
your most obedient servant,

CLEMENT HUMPHREYS.

P. S. All American vessels that have *Gibraltar* written on their papers, and met with by Spanish privateers, will be brought in and *condemned*. The following American vessels, in addition to what I have mentioned, have been sent in since the 24th inst.

Brig Maria, captain Hardie, from Philadelphia,	} in quarantine.
Brig Milford, — from Baltimore,	

*Algeziras, July 31, 1801.*

*Messrs. Willings & Francis, Nicklin & Griffith, and Henry Nixon, Philadelphia.*

GENTLEMEN,—It is with sincere pain I inform you of our unfortunate capture by the French and Spanish boats, after an action of two hours. It still bears more hard upon us when we reflect we had every reason to suppose we could have made good our passage to Gibraltar, had our guns been sufficiently heavy for their weight of shot. Our crew went to their quarters with alacrity, and did not offer to desert them.

I have not before this had it in my power to write a line, all communication being with us cut off, until we had

given in our declaration to the commander at San Roque, from whence I returned yesterday.

The principal plea for condemnation is our being bound to Gibraltar. Our firing on the gun-boats will be no injury to our cause, as we were attacked by the flag of Tripoli (a red flag) and no right to regard any colours afterwards hoisted. By continuing the action until we were come up with by a gun-boat in the king's service, we fall directly under the cognizance of government, and I understand our cause will go direct to Madrid, no notice being taken of it here, which is not the case with those ships who have struck to private armed vessels. In consequence of which I hope, gentlemen, I shall get more redress, but fear it will be a long time. Those who have to apply here are detained a considerable time, and have their decision ultimately from Madrid.

The ship is stripped, the sails unbent, and a guard of Spanish soldiers put on board by the orders of the commandant, which now puts a stop to any further pillage, which was carried on with so much diligence while under the direction of the privateersmen, that \$10,000 will not replace what they have stolen.

By this conveyance I have written to Messrs. Turnbull and Co. of Gibraltar, requesting all the information they can give, as also a credit on Cadiz or Madrid, (could it be obtained without much expense) by which I might be enabled to give security for a certain amount, and obtain the release of the ship.

This plan appears to be the most eligible, as we were taken by a government vessel, who are responsible for all damages in case of acquittance; they may perhaps be more inclined to accept the obligations of some safe house in Cadiz, than detain the ship until the final decision. I shall anxiously wait an answer from Messrs. Turnbull and Co. (under cover to whom I send this letter) from whom I expect much information which is not to be obtained here, Mr. Clement Humphreys being gone to Cadiz, and the American consul, Mr. Molony, a superannuated gentleman, either not having it in his power, or being unwilling to render any assistance to Americans brought in here. On Mr. Turnbull's opinion I shall principally rely in the prosecution of my business.

It is a great pity some vessels are not kept constantly cruising in the mouth of the Straits. One or two frigates would entirely prevent the depredations of the boats, who are no better in their treatment than the brigand barges in the West Indies. Were our government to make a spirited representation, I have no doubt but redress might be obtained for the depredations committed on our flag, as they tremble for their possessions in the West Indies and South America. The French commissary has great influence here, and has the power of removing all causes of capture to Paris, where possession has been taken by the French flag, which makes me think ourselves fortunate in not submitting early. All armed French vessels can obtain the privilege of wearing a Spanish flag by paying two thousand dollars, so that there are none but what carry the standard of both nations.

I shall write you by every conveyance, and hope to hear from you, either by the way of Gibraltar, Cadiz, Malaga or Alicant, under cover to Mr. Molony, American consul here. You will please to be very guarded in your expressions for fear of your letters falling into the hands of our opponents. Our situation is very delicate, the smallest trifle will condemn the ship and cargo.

Our treatment has been infinitely more harsh than I experienced in Porto Rico, and think we stand as little chance of being liberated as there, unless I can interest our minister, when I go to Madrid, to act strongly in our behalf.

You will please inform me, whether it is necessary for me to stay after the first decision and appeal, if you abandon the property to the underwriter. I consider myself released after the papers are in such a train that their agents can carry on the appeal. As long as the property remains yours I shall remain by it, and shall, to the utmost of my power, endeavour to protect it.

Remaining, gentlemen, your most obedient servant,  
JOHN GIBSON.

*Algeziras, August 7, 1801.*

*Messrs. Willings & Francis, Nicklin & Griffith, and Henry Nixon.*

GENTLEMEN,—Enclosed you receive copy of my last to you under date of the 31st ultimo, forwarded via Gibraltar; since when nothing has been done in our case. I was in hopes then, from the information received, of the cause being carried immediately to Madrid, but have been deceived; the point in dispute at present is, who shall have the right of trial, the government of San Roque, or Algeziras, both strenuously contending, and fear we shall have to remain until an order is sent down from court.

Since my last, I have received a letter from Messrs. Turnbull and Co. in reply to the queries asked, they are of opinion we shall certainly be condemned, unless a sum of money is properly applied, which corresponds with my sentiment. Every officer under this corrupt government is open to bribery, and have no doubt, but a few thousand dollars would be the most solid argument we could advance in our defence. Upon the subject of bribery I beg leave to state my ideas. Whatever sum is applied must be done before a condemnation takes place, otherwise the cargo will be landed; and if prevented from being sold (which is not always the case, particularly if valuable) upon an appeal it will be pillaged at least 50 per cent. if any time in store, and no vigilance will protect it. As underwriters have hitherto refused paying, unless condemnation takes place, will they not refuse in this instance? Their conduct in this respect has already cost them dear, and if they pursue, will prevent many from coming forward. Several vessels might have been liberated by advancing the judge two or three thousand dollars; but the agents not considering themselves at liberty to do it, have refused, and afterwards compromised for a much larger sum on carrying on the appeal. In a conversation with Mr. Francis, previous to my departure, I mentioned the subject of ransom, should we unfortunately be captured by the Tripolitans, not at that time apprehending any thing from the gun-boats; but he was of opinion I could not ransom the vessel for any thing short of



her real value, and would therefore decline mentioning the subject in my instructions. It is by no means certain we shall be released even by offering a sum of money, so many being concerned in our capture; but Messrs. Turnbull and company have guarantied the payment of any sum I may choose to advance, and recommends the coming forward immediately. Mr. Clement Humphreys, at present at Cadiz, has mentioned my case to the house of Bernard Lacoste, the particular correspondent of Mr. Leamy; they have offered their services here, and a nephew is now with me, with whom I communicate. Mr. Humphreys, from his long stay, has had an opportunity of becoming acquainted with them, and strongly recommends them as a house of honour, on whom I may place the utmost reliance; they have had the principal American business under their protection, and from the loans they have made to government, have considerable influence. The young gentleman who has come down from Cadiz since my arrival, appears to be pretty well acquainted with the forms and corruptness of the courts, having managed many similar causes, and being personally acquainted with the principal officers here. I have written to Messrs. Grevignee and Co. of Malaga, forwarding them a recommendatory letter from Messrs. Turnbull and Co. Messrs. Grevignee and Co. are known to you, gentlemen—their influence in many places in Spain is not doubted, and I believe in this province they have great power. I expect much from their reply, and believe they will be willing to render you every assistance.

Considering the subject maturely, I am determined to go as far as ten to twelve thousand dollars, provided the ship is placed in security, say at Gibraltar, and hope you will be able to arrange matters with the underwriters, should any such advances take place. Convinced that you will think I am acting from motives purely for your interest, and not wantonly and without hesitation running you to expense, induces me to form my determination. Convinced also, that the prosecution of an appeal will be attended with more expense, and that every prospect of benefit from proceeding on the voyage, if ultimately released, will be destroyed by delay.

I am sorry captain Flimm incautiously delivered to an American captain, while I was in San Roque, a hasty ac-

count of our action. It was meant entirely for your eye, dictated by him, and to be by him enclosed to you. It was a true statement, but was never intended to be made publick, and am apprehensive the underwriters may hesitate on finding the guns were not adequate. The conveyance of letters from this place is always attended with danger, the privateers' men being constantly on the watch endeavouring to intercept all they can; you will not, therefore, be surprised, should you not often hear from me, for in my situation one letter intercepted would ruin all our plans.

Enclosed you receive copy of our protest in the consulate here; if it is not regular you must attribute it to the ignorance of the forms, for I am obliged to draw out all writings, our consul not rendering any assistance. Hoping soon to have it in my power to give you better news, I remain, gentlemen, your most obedient servant,

JOHN GIBSON.

*To THOMAS JEFFERSON, President of the United States.*

SIR,—The Newport Insurance Company in Rhode Island think it a duty they owe to themselves, and those of their fellow citizens who are immediately concerned in trade, respectfully to represent to the chief magistrate of the Union, that great spoliations have been, during the present year, committed upon their lawful commerce by vessels acting under authority from the government of Spain.

As underwriters we have been unexpectedly injured by these spoliations, and are apprehensive of sustaining further and great losses by a continuance of them; we therefore beg leave to remonstrate against them.

The differences between the United States and France having been terminated by their late treaty, and the treaty subsisting between this country and *Spain* expressly allowing our citizens the liberty of trading to and from the ports of the enemies of the *latter*, it was presumed that vessels of the United States, destined to ports in the Mediterranean sea, would not be, *by being cleared for, or ordered to touch at, a British port*, rendered liable to be captured and condemned by the French or Spaniards.

War with several of the Barbary states having been apprehended for some months previous to the declaration of it by the government of Tripoli, the merchants of the United States had deemed it prudent, for nearly a year past, to have their vessels, when bound to any port in the Mediterranean sea, *cleared for, or ordered to touch at Gibraltar*, to obtain information that might lead them to avoid, or to procure convoy to protect them against the Barbary corsairs. And it has not been unusual for American vessels, in times of the greatest security, to touch at Gibraltar merely for the purpose of gaining commercial intelligence, always useful, and sometimes absolutely necessary, for the success of their Mediterranean voyages. But since the existence of the danger alluded to, it has been considered essential to the safety of our merchant vessels bound as before mentioned, that they should touch at Gibraltar—And when cleared for, or ordered to touch at that port, they have been insured at a lower rate than they otherwise would have been. It now appears, however, that clearances and orders of this kind have exposed them to new dangers. They have been *avowedly in consequence of them*, taken near Gibraltar and carried into the port of Algeziras, in Spain, by gun-boats and other armed vessels, sailing under the flag and authority of Spain, but in company, as we are informed, with French privateers, and have there been condemned by a Spanish tribunal. We have to regret the capture and condemnation, under the circumstances and in the manner above recited, of two vessels with valuable cargoes, owned wholly by citizens of the United States, and not laded with any goods contraband of war; in which, as underwriters, we were interested to the amount of thirty thousand dollars—that sum, however, comprising only a small part of the whole value of them. The papers relating to, and proving the capture and condemnation of, one of these ships called the *Hercules*, Courtenay, of Newport, we are assured, were transmitted by the owners of her to the Secretary of State some months since; and the facts respecting the case of the other, called the *Molly* of Philadelphia, have, we doubt not, been fully stated to the Secretary by the owners of her, who are merchants of that city. It is therefore unnecessary for us, and we shall not presume to lay before the President all the circumstances attending these

two captures. We nevertheless think it proper to mention, that it was alleged on the part of the captors that Gibraltar had been declared in a state of blockade by the government of Spain. This declaration was, however, not known here at the time of the sailing from the United States, of the two vessels referred to, and of many other vessels that have experienced a similar fate. It can indeed be considered only as a pretext for capturing defenceless neutral vessels, when it is known that Gibraltar has not been actually blockaded, for at least several years past, by any Spanish naval force capable of preventing a single British sloop of war from going into or coming out of that port.

The hostile disposition manifested by the Spaniards towards our commerce in the Mediterranean sea and elsewhere, excites in our minds serious apprehensions for its safety, when we consider the reduction that has lately taken place in our navy, and the present unarmed state of our merchant vessels. But relying upon your assurances to the legislature of this state, that "commerce will be cherished by you, both from principle and duty," we confidently hope that the powers vested in the President by the constitution and laws of the United States, will be exerted to obtain indemnification for the losses, and to prevent a repetition of the injuries of which we complain.

By order and in behalf of the Newport Insurance Company.

SAMUEL ELAM, President.

Attest, J. DENNISON, Secretary.

Newport, Rhode Island, November 10, 1801.

*The subsequent Remarks concerning Spanish Depredations on American Commerce, are extracted from Colonel Humphrey's Letters to the Secretary of State, written at different Periods, as will appear below.*

"SCHOONER Active, of Penobscot, captain Holbrook, from Liverpool, bound to the United States, was captured by a French privateer, re-captured by the English who restored her to the Americans on board. On her arrival at Gijon, she was seized and the Americans imprisoned: but both the vessel and crew were afterwards released.—13 June, 1800."



“Ship Swansbury, Jonathan Bunting, supercargo, was lately taken by a French privateer and Spanish gun-boat, and carried to Cadiz. She was seized because of her destination to Gibraltar.—[She was afterwards finally condemned in the supreme council of war.]—19 August, 1800.”

“Ship Catharine, of Baltimore, James Mills, master, was seized at Barcelona in September 1800, under pretence that lights were hoisted on board her as a signal, when on the 4th of that month, the boats of a British man of war cut two armed vessels out of that harbour.—30 September, 1800.”

“I still continue to receive frequent reports of vessels belonging to citizens of the United States, carried into Algeziras by privateers fitted out in the ports of Spain; and that in some instances where they have been captured by French and Spanish armed vessels or boats jointly, they have been delivered by the agents of the former to the agents of the latter, under a conviction that they would not at present be condemned as legal prizes by French tribunals; of which I have complained in the most explicit terms to the first Secretary of State.—13 January, 1801.”

“Several of our merchant vessels which had been captured and carried into Algeziras, by Spanish armed boats or vessels, have been set at liberty, but no compensation has been allowed for the great losses and damages occasioned by their unjust detention. In all these cases which have been reported to me, I have taken due measures for maintaining the claims for indemnification.—November 5, 1801.”

*Extract of a Letter from Josiah Blakely, Esq. American Consul at St. Jago de Cuba, to the Secretary of State. November 1, 1801.*

“MORE than a month ago, by an order from the intendant at Havanna, my person was arrested, books and papers all seized, and stores locked up, and guards placed over them. I was conducted to *prison*, from which I now write. I have not yet been informed why this took place. At the time nine vessels were here under my charge. The cash

found in my house was taken away. The detention, disappointment, loss and vexation to the captains of those vessels, and my correspondents, is *immense*. Some of the goods belonging to others have been given up—some are yet detained.

“ My total ignorance of the cause of such very extraordinary treatment has prevented my writing you before, to inform of my situation ; by the questions which have been put me, only can I conjecture.

“ In March or April last, the ship *Prudence*, of Boston, captain Rogers, last from another island, at which she had sold her cargo, came to this port for a cargo of molasses. No molasses could be had. She then left this for a port near Havanna in search of molasses. When arrived near Havanna, the ship was boarded by the officers, who demanded where from. She answered from St. Jago de Cuba—not having entered or cleared at this port, she could shew no such papers, and was instantly seized ; all her papers taken possession of, among which, 'tis said, was found the sales of goods, landed from the ship at this place. No such goods had been entered. This sale, 'tis said, was made by one Peter Lay, who, as he spoke three languages, did much business for me ; he also did business for himself, and many others. But, 'tis said, he signed this sale, as done by me. If any goods were landed, or sold from said ship, I knew nothing of, nor had I any thing to do with the business. Mr. Lay, having long since left this island, I can get no information from him on the subject.

“ My books and papers have been critically examined by the officers here, who have reported that they can find no such sales in my books or papers, nor even the name of such a ship. They declare, that by all the evidence they can get, I am wholly innocent, not only of that charge, but of ever attempting, in the least degree, to defraud the customs. Thus the custom-house officers have declared.

“ With the governour here, and all the first people of the city, I have lived not only in habits of friendship, but of intimacy. They all appear distressed at my situation, and say, they will at all times certify to the strict propriety of my conduct, both as a merchant and resident. Not a single inhabitant here has ever made the least complaint of my conduct since among them.

“ If captain Rogers landed or sold goods from his ship *Prudence*, at this place, as in fact I knew nothing of it, how far I can be implicated by a signature said to be done for me, particularly when such act was illegal, I should think must depend upon circumstances, which cannot apply in this case.

“ As I have been presented with no charge whatever, the whole of what I have written may be foreign to the real cause of my being thus situated. 'Tis probable the mail which is to arrive from Havanna fifteen days hence, will bring despatches concerning me. Being impatient to inform my government of my situation, I have troubled you with the foregoing, which is all I know of the subject. I have forwarded to Havanna my protest against the usage I have received. The Americans being permitted free access to my apartment, and I permitted by the governour here, to continue the functions of my office, I continue to execute the duties of it.

“ The damages to me and my correspondents, being *immense*, the best informed lawyers here say, large damages can be recovered of the *intendant*; but situated as I shall be with him, 'tis not probable I can obtain relief, but through the *demands* of my government. Soon as I can obtain any official charges or legal statement of this business, I will forward to you copies of the same. From the officers of government and the inhabitants of this place, and part of the island, I have experienced politeness and friendship, for which I render the homage due. But from the nation do we not receive many insults? In these seas our flag is constantly insulted by their privateers. When I mention the treaty, their officers affect to treat it with the greatest contempt, saying, it does not extend to the colonies, &c. Possibly the *intendant* at Havanna is highly displeased at some of the protests I have made against the cruel treatment some of our vessels have experienced. In them I only declared the *truth*, and the rights of our nation.”

*From the Same to the Same. December 26, 1801.*

“ ON the first of November last, I wrote you on the unpleasant subject of the cruel treatment I had experienced in this place by an order from the *intendant* at Havanna. In that letter I informed you, that on the 18th of Sept. last my person was arrested and conducted to the common



prison in this city. My account books and the keys of my cabinets, trunks, &c. all taken from me. Stores all locked up, guards placed around my house and stores.

“ My account books, receipt books, &c. were most critically examined, from the moment I commenced business in this place to that day. Each article of goods in my stores were also examined, to know if properly entered, the duty paid, &c. After many days examination, the king's officers were forced to report, that they could not find the least cause of complaint. I was not informed why this took place, yet I was still confined, and the embargo continued upon my stores and property.

“ At the time of this arrest, I protested in the most solemn manner against such proceedings; demanding to know the cause of such disgrace to myself, total ruin to my business, disappointment and loss to my correspondents, and insult to my government and nation. The only answer I could obtain was, ‘it was the order of the intendant at Havanna.’ That I would soon be informed why this had taken place—my person be liberated, and the embargo taken from my property.

“ Though, in such extreme distress, I felt unwilling to be troubling my government, with complaints so very awkward, and unintelligible. Thus situated, I have waited the arrival of one post after another from Havanna, but since the tremendous order for my arrest, and the embargo upon all my property, I am informed by the governour here, not a line has come to him respecting me, or the property so embargoed, though much of it was in provisions of perishable articles.

“ Insulted, ruined in my business, distressed, and wholly in the power of those, perhaps, whose official existence will depend on my ruin and apparent guilt, I shall be under the necessity of humbly praying permission, as a native citizen, merchant and consul of the United States, to approach the high executive of my nation; there to pray that my tale of woe may be heard; that the unpleasant application I am under the necessity of making to the court of Spain for compensation for the great injury done me and my correspondents, the unlawful insult offered to my commission and nation, may be supported and enforced.

“ When this arrest and embargo first took place, the whole port appeared lost in astonishment. It seems the



order of the intendant at Havanna, was dreadfully severe and positive. I was writing in my office when the king's officers entered to execute the awful mandate. 'Tis said they brought with them a guard of fifteen soldiers. The whole city stood silent in wonder and expectation. The high charge given the guards; the number of sentinels;—my person conducted to prison—all my stores instantly shut—an instant stop put to all my mercantile proceedings—the rigorous solemnity with which the whole was conducted, deterred the good people here almost from looking at me. Few of them had sufficient courage to visit me. Many of my friends feared even to send their domesticks to inquire how I was. Many supposed the order must have come from the king himself, by the awful severity with which it was executed. I then thought that my crimes had been so great, that like *Cain*, a mark of infamy had been set upon me by God Almighty.

“My fast declining state of health, when in prison, induced the governour here, on the 25th of November, humanely to permit me to leave the prison, on giving bail for my person. I hoped my statement of damages, and certificate from the civil officers and principal inhabitants of this city, respecting my peaceable proper conduct since residing here, would have accompanied this, but since I have been out of prison all the principal inhabitants of this city have been at a neighbouring village celebrating to the Virgin an annual feast. The holydays, in which no business can be done, will now continue for some time. Soon as possible I shall forward to your office the said papers. I pray you to inform the President of the United States of the contents of this letter.”

*Vessels of the United States seized or detained by the Spaniards in the Ports of Spain.*

1. SHIP *Margaret*, Seth William Ferry, master, of Boston, David Dehon, owner :—The ship and 31,100 reals in cash, seized at Rivadeo on the 21st of April, 1796, under pretence that the money was unlawfully shipped—the helm taken away, and the captain confined in a dungeon—a royal order was afterwards obtained to deliver up the vessel—the captain prosecutes for damages.

2. Brig Sally, John Harrison, master, Thomas Eldred, of Newport, Rhode Island, owner:—Vessel and cargo seized at Alicante by the governour, in May, 1797, on information that the property was English—cargo sold for 25,000 current dollars, put in deposit—the vessel lately sunk in the harbour, value 6,000 dollars of the United States—suit depending before the supreme council of war.

3. Ship Josiah Collins, George Blair, master, supposed to belong to New York—detained in consequence of a Spanish guard having seized the people of the ship's launch going on board with provisions and stores, and imprisoning them on shore, which occasioned the loss of the property by a gale of wind in the night, near Ferrol, in September, 1798.

4. Brig Baba Sidi, owned by consul Montgomery, at Alicante, seized and detained by the governour there, as not being legally manned—afterwards liberated—Mr. Montgomery prosecutes for damages.

5. Brig Greyhound, William S. Plummer, master, of Boston, owned by Ebenezer Parsons—seized and detained at Palma, in Majorca, where the captain was imprisoned on suspicion of being a spy, 29th April, 1799—on the 21st of September a royal order was obtained for the liberation of the vessel, and for the payment of the cargo of fish sold to the king for a certain sum to be paid in specie.

6. Schooner Governour Carver, Nathaniel Spooner, master, of Boston, owned by Ebenezer Parsons—seized and detained at Palma, in Majorca, where the captain was imprisoned on suspicion of being a spy, 29th April, 1799—on the 21st of September a royal order was obtained for the liberation of the vessel, and for the payment of the amount of the cargo of fish sold to the king for a certain sum to be paid in specie.

Collected from the best information hitherto received.

M. YOUNG.

Madrid, October 1, 1799.

*Cargoes belonging to Citizens of the United States, seized or embargoed by the Spaniards on board of American Vessels.*

1. OF the brig Paddy, (sugars, segars, and Campeachy wood,) Peter Caruth, master, of Charleston—eight guns and fifteen men—the whole owned by Thomas Tunno and John Price, and consigned to James Kennedy, supercargo—seized at Cadiz in October, 1798, as the property of subjects of his catholick majesty.

2. Of the schooner Hannah, (i. e. that part of her cargo of fish destined for Bilboa, and which the administrator obliged the captain to land at Corunna,) embargoed on the supposition that the master, George Barker, of  
was attempting to introduce it fraudulently,  
January, 1799.

3. Of the ship Portland—proceeds of the fish embargoed at Alicante in February, 1799, on suspicion that it was not the produce of the fishery of the United States—embargo taken off by a royal order dated 16th March, 1799.

4. Of the brig Pacific Trader, Joshua Woodbury, master, of Boston—permission to land the fish was refused—on suspicion that it was not the produce of the United States' fishery—permission afterwards granted, on giving security to produce within a given time the vouchers required.

5. Of the ship Hazard, Richard Gardner, master, (17 bags of sugar being a part, omitted to be entered, seized at Alicante on suspicion of an attempt to defraud the king of Spain of his duties,) in April, 1799.

Collected from the best information hitherto received.  
M. YOUNG.

Madrid, October 1, 1799.

*Cargoes, the property of Citizens of the United States, taken or seized by the Spaniards on board Foreign Vessels.*

1. OF the English ship Anne, Andrew Miller, master, of Londonderry—owned by Obadiah Bowen and others, New York—consigned by Messrs. Bulkely, of Lisbon, to L. O'Brien, at Ferrol, in July, 1792—seized on account

of a part being damaged—the suit lately decided at Valladolid against the owners of the cargo—no appeal made for want of funds and orders.

2. Of the Swedish galliot Patrona, Ellje Jacob Vesser, of Wismar, master—owned by William Sontag and Co. of Philadelphia, taken in the year 1795—wines, loaded by Strobel and Martini at Bordeaux, for Hamburg—condemned at Santander—appealed to the council of war, and then discontinued, I cannot learn why.

3. Of the Swedish snow Louisa Johanna, John H. Rogers, of Boston, supercargo—taken 3d of March, 1797—condemned at Ceuta 17th May following—confirmed by the king 6th October, with leave to the supercargo to be heard in the supreme council of war—suit still depending.

4. Of the Spanish vessel Sacra Familia—proceeds of the cocoa embargoed at St. Sebastian in 1797—property of merchants in Charleston—embargo taken off.

5. Of the Danish brig Count Bernstorff, David Fairchild, of Boston, supercargo—taken and condemned at Algeziras—appealed—sentence of condemnation reversed by the council of war—captor prayed for a re-hearing—suit still depending in the council of war.

6. Of the Swedish ship Nora, Israel Trask, of Boston, supercargo—taken 26th of June, 1797, and sent into Ceuta, where it was condemned—appealed—sentence of condemnation reversed by the council of war.

7. Of the Danish brig Concordia, Julius Cæsar Alberganti, supercargo, taken into Algeziras and condemned—appealed—suit depending in the council of war.

Collected from the best information hitherto received.

M. YOUNG.

Madrid, October 1, 1799.

*Cases of violation of the Spanish Territory by the French, not included in either of the General Reports, the Vessels having been sent into the Ports of France.*

1. SCHOONER Alert, Jacob Oliver, of Beverly, bound to Santander, and taken within half gun shot of the port, on the 17th of January, 1799—sent into Bayonne, in France, where she was condemned, together with the cargo, by the tribunal of commerce, on the second of April—



the schooner had been out 43 days when she was taken by three French cruisers, manned with Spanish sailors—did not appeal.

2. Ship Pearl, Latimer, of and from New York, owned by Gouverneur and Kemble, Mr. Olmiere, supercargo—taken with the assistance of a Spanish shallop sent from the town of St. Sebastian, 19th January, 1799, and sent into St. Jean de Luz—cleared by the tribunal of commerce at Bayonne—captor appealed to Pau—sentence reversed—suit now depending in cassation.

3. Brig Molly, Peter Kelley, of Philadelphia, cargo of codfish, oil, and whalebone, owned by Reid and Forde, and consigned to Aquila M. Bolton, supercargo—taken within three quarters of a mile of the shore at Cape Santana, 11th March, 1799, and sent into St. Jean de Luz, having a Spanish pilot on board, and bound to Bilbao—privateer La Victoire, of Bayonne.

Collected from the best information hitherto received.

M. YOUNG.

Madrid, October 1, 1799.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH  
HOUSES OF CONGRESS. DECEMBER 15, 1802.

To the Senate, and House of Representatives,  
of the United States.

WHEN we assemble together, fellow citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favour they flow, and the large measure of thankfulness we owe for his bounty; another year is come around, and finds us still blessed with peace and friendship abroad; law, order, and religion at home; good affection and harmony with our Indian neighbours; our burdens lightened, yet our income sufficient for the publick wants, and the produce of the year great beyond example. These, fellow citizens, are the circumstances under which we meet: and we re-

been to of October, 1796.

No.	To what port conducted.	Time of arrival.	Val. ves. U.S.	Val. carg. U.S.	
1	Rum, coffee				Span. territory violated.
2	Tobacco, Malaga,				Span. territory violated.
3	Rum, rice				Condemned.
4	Raisins, Carthage	14 January,	8,000	35,000	Condemned.
5	Cod fish, Almeria,				Violation of territory.
6	Provisions, Malaga,	1 April,			Cond. by F. Consul.
7	Rice, flour, Malaga,	2 April,			
8	10,000 staves, Alge				Condemned.
9	Staves, Malaga,	26 April,			
10	Wines and Malaga,	19 April,			Violation of territory.
11	Candles, Carthage	29 April,	15,000	70,000	Condemned.
12	Provisions, Malaga,	29 April,			
13	Staves, Malaga,	2 May,			
14	Staves, Malaga,	5 May,			
15	Brandy at Carthage	19 May,	3,000	11,620	Viol. of territory, con.
16	Brandy, Carthage	19 May,	6,000	27,330	Viol. of territory, con.
17	Brandy, Carthage		12,000	35,000	Viol. of territory, con.
18	Wines and Carthage	19 May,	5,000	20,360	Violation of territory.
19	Wheat, Carthage		6,000		Condemned.
20	Brandy, Alicante,	23 June,	5,000	17,080	Condemned.
21	10,000 do				Run ashore and lost.
22	Wines, oil, Almeria,	14 July,	10,000	33,000	
23	Ballast, Carthage		10,000		Condemned.
24	Rice, Alge				sailed 28 Sept.
25	Wheat, Cadiz,				
26	Ballast, Alge	29 August,			Condemned.
27	Staves, bu Alge				Cl. and sailed 8 Sept.
28	Ballast, Alge	5 Septem.			Condemned.
29	Ballast, Alge	14 Septem.			Condemned.
30	Tobacco, Alge				Vessel cl. cargo cond.
31	Staves, Alge	7 October,			Condemned.
32	Rice, sugar, Alge				Cl. and sailed, 15 Nov.
33	Dry goods, Vigo,	3 Oct. '96	12,000	16,000	Cond. 11 Dec. '96, app.
34	Sugars, coffee, Pasages,				Condemned and sold.
35	Sugars, fish, Carthage	20 January,	14,000	55,000	Condemned.
36	Coffee and Carthage		4,600	65,000	Condemned.
37	Salt and				
38	Salt and Coruna,	15 March,	4,000	9,016	Cond. 27 March, app.
39	Tobacco, bu Alge				Acquitted.
40	Fish and Malaga,				Cleared, 4 May.
41	Coals, charcoal, Coruna,	21 April,	8,000	2,500	Cond. 8 May, appealed.
42	Cocoa, coffee, Gixon,				
43	Linens and Coruna,	9 May,	20,000	90,000	Con. sh. & c. 19 May, ap.
44	Tobacco, rice, Alge	26 April,			
45	Tobacco, staves, Alge				Vessel cleared, car. con.
46	Brandy, Carthage				
47	Tobacco, Rivades,	23 May,	10,000	44,885	Condemned 25 June.
48	Salt, Vigo,†	19 May,			
49	Cocoa, Lue	28 June, '98			Condemned—appealed.
50	Cocoa and Santander,	1 June,	6,000	127,500	Condemned and sold.
51	Dry goods, Pasages,				
52	Dry goods, Pasages,				

\* *Sailor* The only interpreter at Vigo is the son of the captain of a French privateer

**GENERAL REPORT of such Vessels of the United States as have been taken and brought into the ports of His Catholic Majesty, in Europe and Africa by the FRENCH, since the 1st day of October, 1796.**

No.	Name of Vessel.	Tons burden.	Name of Master.	Neutrality.	To what port belonging.	Where cleared out, U.S.	To what port bound.	Places touched at, or whence last bound.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken.	To what port conducted.	Time of arrival.	Val. when taken, U.S.	Val. cargo, do. U.S.	Remarks.
1	Brig Rover		Arthur Smith,		Baltimore,	Norfolk,	Gibraltar,		Rum, coffee, sugars,	William Patterson,	William Patterson,	John St. Martin,								
2	Brig Mercury		Samuel Brooks,		Boston,	Charleston,	Gibraltar,		Tobacco, rice, flour,	William Patterson,	William Smith,		Going into Gibraltar,	9 Oct. '96,	Privat. le Furet,	Malaga,				Span. territory violated.
3	Schooner Eliza		William Flag,		Charleston,															Span. territory violated.
4	Brig Atlante		Elathion Minor,		Yorktown, Va.		Hamburg,	Alia, London,	Rum, rice,	R. Hughes & R. Monig,	Elathion Minor,	Reed, P. and Bell,	Going into Gibraltar,	13 Jan. '97,	Priv. Rights of Man,	Cartagena,	11 January,	8,000	35,000	Condemned.
5	Brig Kitty		Thomas Horton,		Philadelphia,				Raisins,	Philip Care,	Thomas Horton,		Bel. Alic. & Cartag.	Feb.	Privat. Aziza,					Violation of territory.
6	Ship Three Brothers		Landl Smith,		Portland,		Leghorn,		Cod fish,	Smith and Webster,	Smith and Webster,	Peter Brotaque,		1 April,	Aziza,	Malaga,	1 April,			Condemned.
7	Brig D-spotch		Philip Brown,		Philadelphia,	Philadelphia,	Marseilles,		Provisions and lumber,	Peter Kuhn,	Peter Kuhn,	Peter Brotaque,		2 April,	Zenador,	Malaga,	2 April,			Condemned.
8	Brig Nancy	111	Samuel Brown,	0	Quincy & Plank Cr.	Boston,	Malaga,		40,000 staves,	S. Brown & N. Downe,	Brown and Downe,			3 April,	Neut Thermidor,	Malaga,	26 April,			Condemned.
9	Snow Two Friends		Gilbert Howland,		Boston,		Malaga,		Staves,	David Pearce,	David Pearce, jun.			13 April,	Neut Thermidor,	Malaga,	19 April,			Violation of territory.
10	Brig Betsey		Giles Snow,		Boston,		Malaga,		Wines and brandy,	Joseph Lee, jun.	Joseph Lee, jun.	Wm. Wynan, S. Car.	Wulha gun shot,	18 April,	Zenador,	Cartagena,	29 April,	15,000	70,000	Condemned.
11	Ship Governor Mifflin		John Doe,		Philadelphia,		Philadelphia,	Civita Vecchia,	Candles, soap, wines, marble,	J. and P. Mackie,	J. and P. Mackie,	John Dove,	101.1 from C. de Gal.	27 April,	Neut Thermidor,	Malaga,	29 April,			Violation of territory.
12	Ship Polle		William Bradshaw,		Salem,		Malaga,		Provisions and lumber,	Thatcher Avery,	Thatcher Avery,	Grivegnac and Co.		29 April,	Neut Thermidor,	Malaga,	2 May,			Condemned.
13	Schooner Orrington		Ambrase Atkins,		Penobscot,		Malaga,		Staves,	Eben. Parsons,	Eben. Parsons,	Reed, P. and Bell,		2 May,	Neut Thermidor,	Malaga,	5 May,			Condemned.
14	Sloop Peggy		Henry Lender,		Richmond,		Malaga,		Staves,	Joseph Gallego,	Jedediah Leeds,	Grivegnac and Co.		2 May,	Neut Thermidor,	Malaga,	5 May,			Condemned.
15	Schooner Abigail		James Atwood,		Boston,		Boston,	Alicante,	Brandy and wines.	Eben. Parsons,	Eben. Parsons,	Reed, P. and Bell,	Bay of Alicante,	18 May,	ditto,	Cartagena,	19 May,	3,000	11,620	Viol. of territory, con.
16	Brig Telemachus		William Plummer,		Boston,		Boston,	Alicante,	Brandy,	Head and Amory,	Head and Amory,	Domazette and Stem.	Bay of Alicante,	18 May,	ditto,	Cartagena,	19 May,	6,000	27,330	Viol. of territory, con.
17	Ship Pomona		John Craft,		Boston,		Boston,	Alicante,	Brandy,	Head and Amory,	Head and Amory,	Domazette and Stem.	Bay of Alicante,	18 May,	ditto,	Cartagena,	19 May,	12,000	35,000	Viol. of territory, con.
18	Brig Eliza		William Muzford,		Salem,		Cartagena,	Barbary,	Wines and brandy,	William Gray,	William Gray,			18 May,	ditto,	Cartagena,	19 May,	5,000	20,360	Violation of territory.
19	Brig Brothers		James Sumner, jr.		Providence, R. I.		Valencia,		Wheat,	The King of Spain,	Terry and Scott,	James Sumner, jun.	21 leg. fr. the harb.	6 June,	Priv.	Cartagena,	23 June,	5,000	17,080	Condemned.
20	Brig Friendship		John Proud,		Providence, R. I.		Valencia,		Brandy,	John Arnold,	P. and J. Arnold,	John Proud,	1 hour from Valencia.	19 June,	Priv. Fortune,	Alicante,	23 June,	5,000	17,080	Condemned.
21	Ship Alred		Lister Askwith,		Suffe,		Lisbon,		10,000 dollars,	Oliver and Brothers,	Henry Preble,	Henry Preble,	Near Almeria,	11 July,	Priv. Conageux,	Almeria,	11 July,	10,000	33,000	Condemned.
22	Ship Plato		Andrew Lawrence,		Baltimore,		Leghorn,		Wines, oil, soap, &c.	Henry Preble,	Henry Preble,	Henry Preble,	Off Cape de Gat.	23 June,	Priv. Conageux,	Cartagena,	11 July,	10,000	33,000	Condemned.
23	Ship Outram		Samuel Clark Hill,		Boston,		Falmouth,		Ballast,	Henry Preble,	Henry Preble,	Henry Preble,	Off Cape de Gat.	23 June,	Priv. Conageux,	Cartagena,	11 July,	10,000	33,000	Condemned.
24	Snow Hampton		Moses Andrus,		Charleston,		Cadiz,		Rice,	Henry Preble,	Henry Preble,	Henry Preble,	Off Cape de Gat.	23 June,	Priv. Conageux,	Cartagena,	11 July,	10,000	33,000	Condemned.
25	Ship Mercant		Jos. Paul Smith,		Philadelphia,		Lisbon,	Suffe,	Wheat,	Henry Preble,	Henry Preble,	Henry Preble,	Off Cape de Gat.	23 June,	Priv. Conageux,	Cartagena,	11 July,	10,000	33,000	Condemned.
26	Schooner Juliet	96	Nathaniel Horton,		New York,		Malaga,	London,	Ballast,	Seton, Matild. & Co.	Seton, Matild. & Co.			19 July,	Priv.	Cadiz,				sailed 28 Sept.
27	Brig Atlante		Epes Ellery,		Boston,		Malaga,		Staves, butter,					11 August,	Priv.	Algeiras,	29 August,			Condemned.
28	Brig Mentor	117	William Thompson,	8			Malaga,		Ballast,					5 Sept.	Priv.	Algeiras,	5 Septem.			Condemned.
29	Ship Hancock	36	William Johnston,	9	New York,		Malaga,	Dunkirk,	Ballast,					5 Sept.	Priv.	Algeiras,	5 Septem.			Condemned.
30	Schooner Atlante		Wm. Montgomery,		Norfolk,		Leghorn,	Ostend, London.		William Johnson,	William Johnson,			14 Sept.	Priv. Hazard,	Algeiras,	14 Septem.			Condemned.
31	Ship George	234	Francis Waite,		Portland,		Cadiz,		Tobacco, rum, gin, staves,	F. Dunn and Waite,	Waite and Dunn,			23 Sept.	Priv.	Algeiras,	7 October,			Condemned.
32	Brig Harmony		Sam Clark,		Charleston,		Malaga,		Staves,					7 Oct.	Priv.	Algeiras,	7 October,			Condemned.
33	Ship Aurora	119	Benjamin Fernald,	8	Boston,		Lisbon,	Hamburg,	Rice, sugar, flour,	Several shippers,	O. Peabody & others,		51 l. from Bayona Isl.	1 Oct. '96,	P. T. Amphibie, seal	Vigo,	3 Oct. '96	12,000	16,000	Condemned and sold.
34	Ship Federalist		John Pratt,		Charleston,		London,		Dry goods and wheat,				9 Dec. '97,	Pr. of Bor. P. U. ron.	Pr. of Bor. P. U. ron.	Passages,				Condemned and sold.
35	Schooner Willard		Daniel Bennett,		Boston,		Leghorn,		Sugars, coffee, cotton, &c.	Loring and Curtis,	Loring and Curtis,	Daniel Bennet,	Bel. Cape Gat & Carth.	17 Jan. '98,	Priv. Courier,	Cartagena,	20 January,	11,000	55,000	Condemned.
36	Schooner Sisters	210	Andrew Harrison,		Boston,		Barcelona,		Sugars, fish, &c.	Willard Peel, and Co.	Willard Peel, and Co.	Andrew Harrison,	Bel. Cape Gat & Carth.	18 Jan.	Priv. Courier,	Cartagena,		4,600	65,000	Condemned.
37	Brig Franklin	152	Timothy Wood,	10	Wilmington, N. C.		Boston,	Whitehaven,	Salt and coals,	Jn. Hugg & J. Miller,	Hugg and Miller,			27 Feb.	P. Julie of Nantes,	Coruna,	15 March,	4,000	9,014	Cond. 27 March, app.
38	Schooner Atlas		Thomas Kimble,		Boston,		Malaga,		Salt and dry goods,					10 March,	P. Julie of Nantes,	Coruna,				Acquitted.
39	Brig Zephyr		Henry Elkins,		Boston,		Leghorn,		Tobac. beef, beans, fish, &c.					22 March,	P. Julie of Nantes,	Coruna,				Acquitted.
40	Brig Banner	170	John Whittemore,	11	New York,	New York, 19 Aug.	St. Michaels,		Fish and Havana sugars,	Jacob Whittemore,	Cons. Pintard & cap.		8 l. from Malaga,	19 April,	Pr. Revenge, Bor.	Coruna,	21 April,	8,000	2,500	Cond. 8 May, appealed.
41	Schooner Enterprise		Reuben Jones,		Newburyport,		Liverpool,		Coals, cheese, earthen ware,	Faris and Stoker,	Faris and Stoker,	Bustan. of St. And.	Oil Cape Ortegal,	20 April,	Pr. lug. 4 guns,	Girona,				Condemned.
42	Brig Albany	201	Emmett, Prady,	12	Hudson,		Philadelpia,	Dublin, Cork,	Cocoa, codfish, tobacco,	Citizens of the U. S.	T. Jenkins and Sons,		Lat. 37, long. 25, 12,	24 April,	P. Heuruse, Bor.	Coruna,	9 May,	20,000	90,000	Con. sh. & c. 19 May, ap.
43	Schooner Barbours		James Sharp,		New York,	New York,	Leghorn,		Linen and coals,	Smith and Carter,	Murray & Mumford,	William Wood,	Lat. 38, 50 s. 39, 40 w.	23 April,	Pr. Brave Democ.	Algeiras,	26 April,			Vessel cleared, con. con.
44	Brig Abby		Theo. or Jas. Carter,		Newburyport.		Malaga,		Tobac. rice, flour, coffee, &c.					6 May,	Pr. Brave Democ.	Algeiras,				Vessel cleared, con. con.
45	Snow Maria	165	Josh Stribuck,	10	Alexandria,	Alexandria,	Altona,	Barcelona,	Tob. staves, beet, cheese, &c.	Murray & Mumford,	Murray & Mumford,	Thomas Cartier,	Cape St. Mary,	23 April,	Pr. Brave Democ.	Algeiras,	26 April,			Vessel cleared, con. con.
46	Ship Liberty		Lewis McMillan,		Philadelphia,		Liverpool,		Brandy,	Several shippers,	Thomson and Vieth,			15 May,	Pr. of Bor. Aven.	Rivades,	23 May,	10,000	44,585	Condemned 25 June.
47	Brig Liberty		Philip Bonet,		Philadelphia,		Boston,	St. Ubes,	Salt,					10 May,	Pr. Vigil. Nant.	Vigo,	19 May,			Condemned—appealed.
48	Brig Liberty		James Art,	6	Philadelphia,	Philadelphia,	Bilboa,		Tobacco, cotton and staves,	Jones & Clark, & J. H. J. C. & Shoemaker,	Gardoqui,		Near Luarca,	24 May,	Pr. lug. of Bayon.	Luarca,	28 June, '98			Condemned—appealed.
49	Schooner Peggy		William Baird,	10	Philadelphia,	Philadelphia,	Bilboa,		Cocoa,	Conyngh and Nesbitt,	John Cook, of Phil.		Near Cape Pinas,	31 May,	Pr. Hazard, Bay.	Santander,	1 June,	6,000	127,500	Condemned and sold.
50	Ship Liverpool		John Sutter,		Baltimore,	Baltimore,	Bilboa,		Dry goods.	Conyngh and Nesbitt,	John Cook, of Phil.				Priv.	Passages,				Condemned and sold.
51	Ship Atlantic				Charleston,		London.	England,	Dry goods.							Priv.	Passages,			Condemned and sold.

\* Sailed thence March 10, 1798—touched at Cadiz and left it 25 March

† The only interpreter at Vigo is the son of the captain of a French privateer



**GENERAL REPORT of such Vessels of the United States as have been taken and brought into the Ports of His Catholic Majesty, in Europe and Africa, by the FRENCH, since the 1st day of October, 1796—Continued.**

No.	Name of Vessel.	Tonnage.	Name of Master.	Stowage.	Time.	To what port be- longing.	Where cleared out, U. S.	To what port bound.	Places touched at, or where lost or brought.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken.	To what port conducted.	Time of ar- rival.	Val. res. dolls U. S.	Val. cargo dolls U. S.	Remarks.	
20	Sloop Kitty		Joseph Barnett,			Boston,	Charleston,	London,		Cotton, logwood, rice,				Lat. 46, 35, n.	6 March,	P. la Loire, F. Gale	Pasages,				Condemned and sold.	
21	Sloop Nelson and Kitty		Samuel Church,			Baltimore,	Baltimore,	Amsterdam,		Tobac. rice, and H. sugars,					7 March,	P. Vant. le maitre.	Pasages,				Condemned and sold.	
22	Sloop Marianne		Patterson.			Salem,			London,	Dry goods,						Priv.	Pasages,					
23	Sloop Nancy		Jesse James,			Salem,			London,	Dry goods,						Priv.	Pasages,					
24	Sloop Elizabeth					Wilmington,										Priv.	Pasages,					
25	Sloop John & Martha		Benjamin Feltnap,			New York,		Hamburg,		Barilla,	John Wells,	John Wells,	Grivegne and Co.		28 May,	Priv. Sans Facon.	Malaga,	21 May,				
26	Schooner Percy		Thomas Tucker,			New York,		New York,		Wines and fruit,	Thomas Clayton,	Thomas Clayton,	Peter Bretagne,		26 June,	Priv. l'Italique,	Malaga,	27 June,				
27	Schooner Harriet		Timothy Crocker,	7		Boston,	Boston,	Bilboa,		Cocoa, sugar, corn, &c.	Gregory and Pickard,		Gordia and Bayo,		28 June,	Pr. Adel. Nantes,	Santander,	29 June,			Condemned—in app.	
28	Schooner Nancy		Henry Atkins,				New York,	Malaga,		Tobacco, beans, staves, &c.					1 July,	Priv.	Algeiras,				Liberated.	
29	Sloop Elizabeth		George Loring,												2 July,	Priv.	Algeiras,					
30	Ship Eliza		Nail McNeal,			Charleston,	Charleston,	London,		Rice, sug. coffee, indigo, &c.				Lat. 46.35, n. lo. 13 w.	5 July,	Pr. Heur. Decide.	Pasages,				Condemned and sold.	
31	Sloop Joseph		Henry Wm. Bool,			New York,	New York, June 1.	Cadiz,		Tobacco, rice, staves,	Isaac Clason,		Henry W. Bool,	C. Spartel 41. fr. Cad.	6 July,	Pr. (6 arm. boats.)	Algeiras,		30,000		Ship cleared, cargo con	
32	Brig Mary		Phineas Stoder,			New York,	New York,	Leghorn,		Tobacco, rice, flour, bread,							Algeiras,					
33	Sloop Polly and Nancy		I. McKnight,							Tobacco,							Algeiras,					
34	Sloop Memory		Henry Hubbard,			Philadelphia,		Philadelphia,	Lishon,	Wines and salt,		Daniel Bickley,		Bet. Lisbon & W. Isl.	26 July,	Priv.	Algeiras,				Condemned.	
35	Sloop William		Benjamin Lord,			Philadelphia,		Philadelphia,	Copenhagen,	Cocoa,					3 Aug.	Priv.	Huivra,					
36	Brig Washington		John Bonnell,					Marselles,								Priv.	Algeiras,					
37	Sloop Minerva		George Keyler,			New York,	New York,	Gibr. or Malaga,		Tobac. flour, staves & wax,	Yates & Co. & Pollock,		Joseph Barret,	Off Spatel,	9 Aug.	Priv. Democrat,	Algeiras,		16,338			
38	Ship Apollo	281	John Walker,	11		Portsmouth, Vir.	Portsmouth, Vir.	London or Falm.		Tobacco and staves,	R. Colquhoun,	James Sheaf,		49, 15 lo. 26, 10 fr. Paris	21 Sept.	Priv. l'Aventure,	Rivadeo,	1 October,	10,500	91,600	Condemned.	
39	Ship Jane	250	John Whitby,	15		Norfolk,	Norfolk,	Falmouth or Lon.		Tobacco,	R. Colquhoun & oth.	William Pennock,		49, 15 lo. 26, 10 fr. Paris	19 Sept.	Priv. l'Av. of Bord.	Rivadeo,	30 Sept.	11,000	99,424	Condemned twice.	
40	Brig America	150	Thomas Logon,	10		New York,	New York,	Gibr. or Malaga,		Tob. beef, sugar, cocoa, &c.	W. Graigsy & H. Sadlier,	Craig and Sadlier,		39, 30 lo. 18, 20 fr. Paris	4 Sept.	P. Deux Amis Bay	Muros,	9 Sept.	6,000	18,706	Condemned 18 Oct.	
41	Schooner Sally		Stacey,			Marblehead,		Bilboa,	Coruna,	Cool fish,						Priv. Gran Bonap.						
42	Brig Anna	135	William Toad,	7		Boston,	Savannah,	London,		Tobacco, rice, cotton, &c.	Several shippers,	Oliv. Peabody & oth.		45, 20 n. lo. 40 fr. Lon.	22 Dec.	Pr. Spartiate of B.	Coruna,	5 Jan. '99,	5,000	2,077	Condemned 26 Jan.	
43	Brig Emma		Davidson,																			
44	Schooner Martin		Nath. Williams,	7	3	Gloucester,		Cadiz,		Beef, pork, rice, butter,			Nathl. Williams,	3 leag. fr. St. Sebast.	26 April,	Priv.	St. Lucar,					
45	Brig Peck's Point	144	John Brown,	8		Baltimore,		Baltimore,	Oporto,					39, 16 lo. 14, 15 fr. Lon.	6 Sept. '98.	Les Deux A. de B.	Vigo,	9 Sept. '98,	5,000	22,426	Cond. 15 Sept. appeal.	
46	Barque ship Peary		William Davidson,	14		Baltimore,		Falmouth, Eng.		315 blds. tobacco,				Lat. 46,	20 May, '99.	Pr. Gran. Decide.	Gison,				Condemned.	
47	Ship Republican	392	James Simpson,	14		Baltimore,	Baltimore,	London, Falm.		Tobac. coffee, Hav. sugars,	H. Court. & D. Stewart,	H. Courtney,		La. 44, 16 lo. 37, 5 fr. P.	24 Dec. '98.	Pr. Spartiate of B.	Coruna,	11 Jan. '99,	10,000	90,240	Condemned twice.	
48	Ship Star	227	Ph. R. Cooper,	16		New York,	New York,	London,		Hav. & French sug. potash,	Several shippers,	Archibald Gracie,		50, 10, lon. 15, 20, fr. P.	31 Dec.	Pr. Baalgad,	Coruna,	11 Jan. '99.	15,000	137,620	Condemned 30 Jan.	
49	Schooner Felicity		Hugh Wilson,			Baltimore,	Baltimore,	St. Lucar,		Tobac. flour, and sassafras,		James Jaffry,			Sept.	Priv.	Huelva,					
50	Sloop Eliza		Joseph Jones,			Charleston,	Charleston,	Cadiz,		Tobacco, cocoa, sugars,		Messrs. Booth,			Sept.	Priv.	Huelva,					
51	Sloop Eliza		James Hunt,			Lamberton,	Lamberton,	Madeira,		Teas, wax, flour,		James P. Hunt,	J. P. Hunt and others,	Lat. 34, 38 lon. 14, 43,	13 Sept.	Priv. Fulminante,	Algeiras,		11,752			
52	Sloop Eliza	117	George Boar,	8		New York,	New York,	Cadiz or Gibr.		Tobac. flour, rice, wax, &c.	Buchanan & Dunlap,	Richard Caleff,	George Pelor,	Off Tarifa,	17 Sept.	Priv. Furieux,	Algeiras,		15,512			
53	Sloop Eliza		Robt. Caten,	8		Norfolk,	Norfolk,	London,		Tobacco,	John M'Faden & Co.	John M'Faden & others,	Ezekiel Freeman,	Off Newfoundland,	11 October,	Pr. Girondo of B.	Santander,	8 Nov.			Condemned and sold.	
54	Sloop Eliza		Jer. Freeman,	8		Baltimore,	Baltimore,	Bilboa,		Cocoa,	William Foster,	Samuel Kennedy,		Off St. Vic. de Barg.	16 October,	Pr. l'Horscope.	Santander,	24 Oct.	2,500	21,700	Condemned—in app.	
55	Sloop Eliza		Samuel Patterson,	8		Wiscasset,		Norfolk, Virg.	Liverp. s'd Oc. 6.	Dry goods and salt.	Several shippers,	Loring and Curtis,	Grivegne and Co.	Lat. 30, 45 lon. 17, fr. P.	9 Dec.	Pr. Frignon Bouli	Santander,	14 Nov.	10,000	75,000	Con. 10 Jan.—appeal.	
56	Sloop Eliza	170	Samuel Kennedy,	27	16	Charleston.	Charleston.	Palma in Eng.		Dry goods,		Seth Russel,			27 October,	10 Dec.	Pr. Argus Martin	Per. or Cor.	30 Dec.			
57	Sloop Eliza		Charles Churchill,	7		New York,	Nantucket,	Leghorn,		Fish,		Loring and Curtis,	Grivegne and Co.	35, 59, long. 23, 48,	1 Jan. '99.	Pr. Min. Nantes,	Coruna,	23 Jan. '99,	5,000	15,822	Con. 5 Feb. App.	
58	Sloop Eliza		Thomas Dason,			Boston,		Boston,		Sugars,		Seth Russel,				Priv. Emilia,	Malaga,	2 January				
59	Sloop Eliza		James Dunphy,			Philadelphia,	Philadelphia,	Alcantara,		Coffee, sug. tob. indigo, &c.	Consul R. O'Brien,	Consul R. O'Brien,	Peter Bretagne,		1 Jan.	Priv. Vautour,	Santander,	15 January,				
60	Sloop Eliza		James Dunphy,			Boston,		Alcantara,		Fish, sugar, &c.	Loring and Montmol.	Loring and Curtis,	Grivegne and Co.	Close in with the coast	24 Jan.	Priv. Dugammier,	Malaga,	25 January,				
61	Sloop Eliza		Daniel Bender,			New York,		Malaga & Alc.		Tobac. sug. rice and flour,	Jackson, Parsons & oth.	Jackson, Pars. & oth.	Jacob Stone,	1 Feb.	6 privateers,	Algeiras,			4,000			
62	Sloop Eliza	100	Jacob Stone,	12	5	Newburyport,	Newburyport,	Leghorn,		Coffee and sugars,	Jackson, Parsons & oth.	Jackson, Pars. & oth.	Jacob Stone,	13 Feb.	Priv. Egyptienne,	Vigo,	25 March,	8,000	5,187	Condemned 21 Apr.		
63	Sloop Eliza	122	Isaac Brown,	7		Philadelphia,	Philadelphia,	Oporto,		Staves and Indian corn,	Clason Heiches & Co.	John Donaldson,		23 March,	Corageux of Bor.	St. Sebast.	4 April,				Condemned and sold.	
64	Sloop Eliza		William Story,			New York,	New York,	A port in Eng.	Bay of Honduras,	Mahogany,				45, n. lon. 33, w. of L.	17 March,	2 privateers,	Santana,	28 March,			Cleared by Fr. cons.	
65	Sloop Eliza		Thomas Hunt,	11		Philadelphia,				Sugars, coffee, cocoa, tob.	Richard Gernon,	Gregory and Pickard,	V. Gomez de la Tor	Lat. 40, lon. 13 fr. Par.	6 April,	Priv. sch. of Brest,	Vigo,	29 March,			Condemned 1 Oct.	
66	Brig Jane	192	Nathl. Knight,	3		Boston,	Boston,	Lisbon,		Beef, pork, but. lard, tar,	Gregory & Pickard,	Gregory and Price,	R. Andrews, supercar.	Near C. Machiacoa,	8 April,	Corageux of Bor.	Pasages,	9 April,	6,000	5,960	Condemned at Bay.	
67	Sloop Eliza		Richard Bonston,	4		Philadelphia,	Philadelphia,	Bilboa,		Tob. cotton, and H. sugars,	Morgan & Price & oth.	Morgan and Price,		13 mile from Tarifa,	21 April,	12 privateers,	Algeiras,				Violation of terms.	
68	Sloop Eliza		George H. Hunt,	11		Philadelphia,	Philadelphia,	Barcelona,	Santander,	Ballast,												

The captain of the vessel, on the 1st day of October, 1796, was taken by the French, and the permit taken from him by the same government in October.

The captain of the vessel, on the 1st day of October, 1796, was taken by the French, and the permit taken from him by the same government in October.

The captain kept on board three days without being permitted to go on shore—the 14th April, the master and crew turned out of the vessel.

Had no commission as a letter of marque, not being intended to visit the commissioned privateers of any of the belligerent powers, but only to keep off uncommissioned armed vessels.



Seized and sentence taken.		To what port conducted.	Time of ar- rival.	Val. res. dols. U. S.	Val. carg. dols. U. S.	
	e, F. Gale	Pasages,				Condemned and so
	e maitre,	Pasages,				Condemned and so
		Pasages,				
		Pasages,				
		Pasages,				
	is Facon,	Malaga,	21 May,			
	alique,	Malaga,	27 June,			
	Nantes,	Santander,	29 June,			Condemned—in ap
		Algeziras,				Liberated.
		Algeziras,				
	Decide.	Pasages,				Condemned and sol
	n.boats.)	Algeziras,			30,000	Ship cleared, cargo
		Algeziras,				
		Algeziras,				
		Huilva,				Condemned.
agen,		Algeziras,				
	nocrat,	Algeziras,			16,388	
	enture,	Rivadeo,	1 October,	10,500	91,600	Condemned.
	.of Bord.	Rivadeo,	30 Sept.	11,000	99,424	Condemned twice.
	amis Bay	Muros,	9 Sept.	6,000	18,706	Condemned 18 Oct
	n.Bonap.					
	ate of B.	Coruna,	5 Jan. '99,	5,000	2,077	Condemned 26 Jan
		St. Lucar,				
	A.de B.	Vigo,	9 Sept. '98,	5,000	22,426	Cond. 15 Sept. appe
	Decide,	Gison,				Condemned.
	ate of B.	Coruna,	11 Jan. '99.	10,000	90,240	Condemned twice.
	lgad,	Coruna,	11 Jan. '99.	15,000	137,620	Condemned 30 Jan
		Huelva,				
		Huelva,				
	minante,	Algeziras,			11,752	
	ieux,	Algeziras,			15,512	
	de of B.	Santander,	8 Nov.			Condemned and so
	roscope,	Santander,	24 Oct.	2,500	21,700	Condemned—in ap
sld Oct. 6	ne Bouil	Santander,	14 Nov.			Condemned and sol
. in Eng	Martin	Fer. or Cor.	30 Dec.	10,000	75,000	Con. 10 Jan.—appe
	bustier,	Malaga,	11 Dec.			
	Nantes,	Coruna,	23 Jan. '99,	5,000	15,822	Con. 5 Feb. App.
	lia,	Malaga,	2 January,			
	tour,	Santander,	15 January,			
	ammier.	Malaga,	25 January,			
		Algeziras,				
	rs,	Algeziras,			4,000	
	ptienne.	Vigo,	25 March,	8,000	5,187	Condemned 21 Apr
Honduras	of Bor.	St. Sebast.	4 April,			Condemned and sol
1	rs,	Santona,	29 March,			Cleared by Fr. con.
1	of Brest.	Vigo,	9 April,	6,000	5,960	Condemned 1 Octol
1	of Bor.	Pasages,	10 April,			Condemned at Baye
1er,	rs.	Algeziras,				Violation of territor

have October, 1796—Continued.

Places to whom taken.	To what port conducted.	Time of arrival.	Val. res. dols. U. S.	Val. carg. dols. U. S.	
Senegal, or Bor.	Malaga, Coruna,	16 May,	5,000	80,128	Condemned—appeal
rs,	Algeziras,			60,000	
Lisbon,	Cadiz,	27 June,		40,900	
	Cadiz,	20 June,			
ney,	Cadiz,				
Lisbon,	Cadiz,	27 June,			Schr. and cargo con
el,	Malaga,	3 June,			
ers,	Algeziras,				
aparte,	Santander,	18 July,			In suspense.
ers,	Algeziras,	30 July,	5,000	12,000	Violation of territor
Malaga,	Cadiz,			20,000	Violation of Spa. ri
de frig.	Cadiz,				Cargo cleared, ship
Liver. le	Gison Aust.	31 July,			Condemned.
	St. Lucar,				
rs,	St. Lucar,	30 July,			
Salsa,	Blanc. Barcelona,	25 July,	20,000	35,000	Condemned.
of Bay.	Camarinas,	7 March,	2,500	6,782	Condemned 8 April
rs,	Cadiz,	19 June,	12,000		
Liverpoc	Algeziras,				
alison,	Algeziras,				
rs,	Cadiz,				Condemned—violat
Gibral.	Algeziras,		3,000	9,000	
ne frig.	Algeziras,				
ieux,	Santander,	23 Feb. '99,			Ransomed.
x, of B.	Rivadeo,	7 Aug. '97,			Cond. supposed Br
e,	Pasages,				Condemned and sol
Lo. s. 11	Coruna,	9 Jan. '97,	20,000	19,000	Condemned—appe
et Souc.	Pasages,				Condemned and sol
omet,	Coruna,	20 Mar. '97,			Condemned.
Lisbon,	Muros,	27 Sept. '98,	5,000	5,083	Condemned 15 Oct
Lisbon,	Muros,	19 Mar. '97.			Cond. supposed Br
Cork,					

of the Spanish ships.

Or John and James.

M. YOUNG.

have of October, 1796.

Places to whom taken.	To what port conducted.	Time of arrival.	Val. res. dols. U. S.	Val. carg. dols. U. S.	
London,	Acra Familia,				Condemned—in appe
	Cadiz,				
	Algeziras,				Cleared and sail. 20 D
	Algeziras,				Ship cl. car. cond. ap
Cadiz,	Algeziras,				Ship cl. cargo cond.

**GENERAL REPORT of such Vessels of the United States as have been taken and brought into the Ports of His Catholic Majesty, in Europe and Africa, by the FRENCH, since the 1st day of October, 1796—Continued.**

No.	Name of Vessel.	Tons burden.	Name of Master.	Seamen.	Guns.	To what port belonging.	Where cleared out. U. S.	To what port bound.	Places touched at, or whence last bound.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken.	To what port conducted.	Time of arrival.	Val. res. dobs. U. S.	Val. cargo dobs. U. S.	
104	Brig Apollo.	90	Henry Waddel.	8		New York.	N. Y. out 34 days.		Senegal, Hamb.	Sugar and cocoa.	Jac. Doty, I. Franklin.	Doty, Fran. Wattles.	Grivee and Co.	In sight of Malaga.	May.		Malaga.	16 May.	5,000	80,129	Condemned—appealed.
105	Schooner Frederick.	236	I. G. Clark.	25		Baltimore.		Leghorn.	Batavia.	Sugars.	Samuel Smith.	General Smith.	F. C. Kalkman.	46, 29, lon. 14, 38, ir. 16.	16 May.	Arvieve, or Bor.	Coruna.				
106	Ship Ardent.		Alexander Smith.	26		Baltimore.		Lisbon.		Wines and specie, \$40,000.	R. Oliver & Brothers.	R. Oliver & Brothers.		Straits of Gibraltar.	17 May.	5 privateers.	Algeziras.	27 June.	60,000		
107	Ship Anne.		William Robinson.	26		Philadelphia.		Malaga.		Tobacco and rice.				Near Lisbon, lat. 36.	25 June.	Priv. Fly.	Cadiz.	20 June.	40,900		
108	Brig Eliza.		Michael.			Philadelphia.		Lisbon.		Ballast.				Near Cadiz.	June.		Cadiz.				
109	Ship Francis & Mary.	311	William Peterkin.	19		Baltimore.		Calcutta.		Specie, \$50,000.	N. and Troup of Balt.	R. Miller and others.	Robert Miller.	Off the rock of Lisbon.	16 June.	Priv. Volney.	Cadiz.	27 June.			
110	Ship Commerce.		Gideon Gardner.	19		New York.		Hamburg.		Barilla, manna.	Arch. Campbell and	N. and Troup.	Charles Davis.	Near Lisbon, lat. 37, 21.	4 July.	Priv. Fly.	Cadiz.	3 June.			
111	Brig Patty.		Archd. Campbell.	21		New York.		Hamburg.		Flour and tobacco.	Murray & Mumford.	A. Campbell and	Grivee and Co.		1 June.	Sans Pariel.	Malaga.			Schr. and cargo cond.	
112	Ship Marianne.	195	Knowles Adams.	13		New York.	New York, 14 June.	Bilboa.		Tobac. whalebone, oil, rice.	Murray & Mumford.	Murray & Mumford.	Benj. B. Mumford.	Straits of Gibraltar.	11 May.	4 privateers.	Algeziras.	18 July.			
113	Ship Alazel.		John Hildreth.	9		New York.	New York.	Gibraltar.		Coffee, sugars, cocoa, tob.	Abraham King, N. Y.	David Gelston.	Gardoqui.		4 July.	Gran. Bonaparte.	Santander.	30 July.	5,000	12,000	In suspense.
114	Schooner Eagle.	98	Josiah Ingersol.	31		Boston.		Malaga.		Fish and iron.	Parsons.	Henry Clark.	Josiah Ingersol.	Straits of Gibraltar.	29 July.	2 privateers.	Algeziras.	30 July.	20,000		Violation of territory.
115	Ship Barbary.	208	Henry Clark.	11		New York.		Cadiz.		Cocoa, indigo, beef & staves.	Sp. subjects of Cadiz.	Parsons.	John Barry.	Lat. 36, 25, l. from M.	2 July.	Vantour lugger.	Cadiz.				Violation of Spa. rights.
116	Ship Ruby.	200	John Holland.	13		New York.		Norfolk, Virg.						4 leagues fr. Cad.	10 July.	La Cocarde frig.	Cadiz.				Cargo cleared, ship con.
117	Ship Olive Branch.		Alex. McConnell.	11		Norfolk.		Norfolk, Virg.	Liver. left 10 July.	Dry goods.				Lat. 50, s. long. 19, w.	21 July.	Priv. of Bordeaux.	Giron Aust.	31 July.			Condemned.
118	Ship Sally.		Green.	15	10	New London.		Philadelphia.		Cocoa, sugars, logw. staves.					August.						
119	Ship Chatham.	229	J. Farrel.	12		New York.		New York.		Coc. pep. logwood, lules.	Spanish subjects.	Henry Butler.			30 July.	2 privateers.	St. Lucar.	30 July.			
120	Schooner Esther.	68	James Peters.	7		Beverly.		Coruna.		Brandy and nuts.	Seton, Maitland & Co.	W. Seaton and Son.	De Arabet and Co.	Off Salon, 5 leagues.	25 July, '97.	P. Fortune Blanc.	Barcelona.	25 July.	20,000	\$35,000	Condemned.
121	Brig Robertson.		Zechariah Morgan.	25	14	Norfolk.		Malaga.		Fish and fish oil.	Thöndike, Chap. & Co.	Abner Chapman.		5 leag. from Lisarga.	Mar. '99.	La Legere of Bay.	Cantarrinas.	7 March.	2,500	6,782	Condemned 8 April.
122	Brig Corlette.	134	George Wakefield.	12		Norfolk.		Malaga.		Tobac. sug. coffee, cocoa.	King of Spain & oth.		John Randolph.	Straits of Gibraltar.	18 June.	6 privateers.	Cadiz.	19 June.	12,000		
123	Brig Hannah.		Daniel McKenny.	25		Philadelphia.		Leghorn.		Rum, sugar, coffee, logw.	English subjects.	W. and Sam. Vernon.			23 Dec. '98.	Priv. Decalion.	Algeziras.				
124	Brig Hannah.		John Norris.	20		Savannah.		Gottenburgh.		Sugars, tobacco, rice & oil.	W. and Sam. Vernon.	W. & Sam. Vernon.	John Norris.	Straits of Gibraltar.	6 Apr. '99.	3 privateers.	Algeziras.				
125	Ship Marianne.	117	Knowles Adams.	8		New York.		Barcelona.	Gibral. Algezir.	Ballast.	Murray & Mumford.	Murray & Mumford.		Cape Pallas.	29 June.	La Romaine frig.	Cadiz.				Condemned—violation
126	Schooner Sally.	96	Luther Stevenson.	20		Boston.		Cadiz.		Cocoa, rice, beef & staves.	Board. C. & Sawyer.	Board. C. & Sawyer.	Luther Stevenson.	Cape Trafalgar.	21 July.	Priv. Franceux.	Algeziras.		3,000	9,000	
127	Schooner Catharine.		James Cox.	6		Marblehead.		Bilboa.		Fish and oil.	Peter Osgood & oth.	P. Osgood & others.	Gordia and Bayo.		20 Feb. '99.	L'Heureux, of B.	Santander.	23 Feb. '99.			Ransomed.
128	Friendship.		William Beeson.	8		Philadelphia.		Buenavista, Braz.		Ballast.					4 Aug. '97.	L'Aventure.	Rivadeo.	7 Aug. '97.			Cond. supposed British.
129	Ship Galen.		John McKay.	17		Boston.		London.		Dry goods, bees, staves.	The capt. & others.	James Bell.		Lat. 42, s.	25 Apr. '98.	L'Union Arismen.	Passages.				Condemned and sold.
130	Ship John Adams.	335	James Johnson.	17		Petersburg.		Madiera & Calc.		Dry goods, beer, staves.				Lat. 33, 18.	29 Dec. '96.	Refferhi pet Suec.	Coruna.	9 Jan. '97.	20,000	19,000	Condemned—appealed.
131	Ship Mary.		John Hunter.	8		Greenock.		Charleston.		Dry goods.				Lat. 48.	1 Apr. '99.	Deinde Domet.	Passages.				Condemned and sold.
132	St. George.		Joseph Pick.	3		Lisbon.		Lisbon.		Lemons, oranges, cotton.				Lat. 49, 31.	9 Mar. '97.	L'Aigle Dartique.	Coruna.	20 Mar. '97.			Condemned.
133	Brig Sterling.	149	Timothy Trafton.	6		Portsmouth.		Portsmouth, Eng.		Salt, rum, molasses.	Daniel Huntress.	Daniel Huntress.		40, 20, lon. 20, 50, fr. P.	19 Sept. '98.	Vigilant, of Naut.	Muros.	27 Sept. '98.	5,000	5,083	Condemned 15 October.
134	Vulture.		James Rich.	6		Lisbon.		Cork.		Butter and provision.				12 Mar. '97.	L'Heureux Ditr.	Muros.	19 Mar. '97.				Cond. supposed British.

\* Within hail of the Spanish ships.

† Within hail of Spanish ships.

‡ Built of good materials, sound and well fitted with every thing; a very fast sailer.

§ Would have been in New York upwards of \$60,000.

|| Taken within hail of the Spanish ships.

¶ Or John and James

MADRID, 1st Oct. 1799.

Imperfect as this report is, it contains all, and the best information I have been able to obtain.

M. YOUNG.

**GENERAL REPORT of such Vessels of the United States as have been taken and brought into the Ports of His Catholic Majesty, in Europe and Africa by the SPANIARDS, since the 1st day of October, 1796.**

No.	Name of Vessel.	Tons burden.	Name of Master.	To what Port belonging.	Where cleared out. U. S.	To what Port bound.	Places touched at.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken.	To what port conducted.	Time of arrival.	Val. res. dobs. U. S.	Val. cargo dobs. U. S.	
1	Brig Elizabeth.		John Gardner.	Philadelphia.		Seville.	London.	Ballast.	United States.		Agent of the U. S.	Coast of Spain.	1796.	Pr. Sacra Familia.	Cadiz.				Condemned—in appeal.
2	Brig Sarah.		George Douglas.	Boston.	Boston.	Leghorn.	Dartmouth.	Presents for the Deÿ.						Priv.	Cadiz.				
3	Ship Columbus.		Sterry Cook.	Dartmouth.		Naples.		Cod fish, salmon.					15 Dec.		Algeziras.				Cleared and sail. 20 Dec.
4	Ship Almonite.		Luigi.	Norfolk.		Barcelona.	Cadiz.	Cod fish, salmon, tar.					1 Mar. '97.		Algeziras.				Ship cl. car. cond. app.
5	Brig Packman.		William Wren.	Philadelphia.		Naples.	Penzance.	Wines, beef and staves.	Thomas Bradwell.	Thomas Bradwell.			1 March.	Priv.	Algeziras.				Ship cl. cargo cond.
6	Brig Despatch.		Philip Brown.	Boston.		Marseilles.		488 bls. of sardinas.					3 March.		Ceuta.				No claimant, cond. app.
7	Snow Mary.		Thomas Beeson.	Boston.		Alicante.	Lisbon.	Flour, rice, staves.					4 March.		Algeziras.				Condemned.
								Cod fish, pepper.							Algeziras.				Condemned in appeal.



**GENERAL REPORT of such Vessels of the United States as have been taken and brought into the ports of His Catholic Majesty, in Europe and Africa, by the SPANIARDS, since the 1st day of October, 1796.—Continued.**

No.	Name of Vessel.	Time hauled.	Name of Master.	Number.	To what port be- longing.	Whence cleared out, U. S.	To what port bound.	Places touched at.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken.	To what port con- ducted.	Arrival.	Val. re- ceiv. U.S.	Val. cargo, dolls. U.S.	Remarks.
10	Ship "Coral"		John Cook,	6		Boston,	Malaga,		Cod fish,					4 March,		Algeiras,			Cl. and sailed 7 March.	
11	Ship "Coral"		Henry Dowriel,			Boston,	Marseilles,	Cadiz,	Coffee, flour, tob. staves,					11 March,		Algeiras,			Disappeared same night.	
12	Ship "Coral"		James Blake,			Boston,	Malaga,		Cod fish,					11 March,		Algeiras,			Cl. and sailed 15 March.	
13	Ship "Coral"		Thomas Hopkins,				Alicante,		Staves, flour, iron, tallow,			Jos. Wilkes, superc.		29 March,		Algeiras,			Cl. and sailed 31 March.	
14	Ship "Coral"		Jonathan Hall,				Tangier,	Lisbon,	Cheese, cod fish, bale gds.					1 April,		Algeiras,			*Cl. and sailed 26 Aug.	
15	Ship "Coral"		Stephen Mason,		Boston,		Genoa,	Cadiz,	Sugars, cotton,	S. Dunham & others,				15 April,		Algeiras,			Cl. and sailed 20 April.	
16	Ship "Coral"		Shadab Duman,		Baltimore,		Lisbon,	Haïre de Grace,	Dry goods,	D. Stewart and Sons,								Condemned.		
17	Ship "Coral"		Shadab Duman,		Philadelphia,		Baltimore,	Marseilles,	Wines, brandy and oil,						P. Bolero, of Vps			Liberated.		
18	Ship "Coral"		Shadab Duman,		New York,		Baltimore,	Cadiz,	Salmon and coals,			Benjamin Vail,	6 l. fr. Cape Finister,	22 April,	Priv. St. Antonio	Algeiras,			Condemned—appealed.	
19	Ship "Coral"		Shadab Duman,			Baltimore,	L'Orient,		Wines, sugars, fruit,	Benjamin Vail,				23 April,	Priv. of Tarr.	Algeiras,			Condemned—appealed.	
20	Ship "Coral"		Shadab Duman,		Wilmington,		Malaga,		Flour,					23 April,	Priv. Venganza,	Algeiras,			Condemned—appealed.	
21	Ship "Coral"		Shadab Duman,				Malaga,		Flour,					23 April,		Algeiras,			Condemned—appealed.	
22	Ship "Coral"		Shadab Duman,		Boston,		Malaga,		Ballast,		Stephen Codman,	Grivegnée and Co.		26 April,	Priv. of Tarifa,	Algeiras,			Condemned—appealed.	
23	Ship "Coral"		Shadab Duman,		New York,		Malaga,		Ballast,		Elias Nexden.	I. B. Blondeau,	5 l. W. of Bayona, Sp.	2 May,	Priv. Atalante,	Algeiras,			Condemned—appealed.	
24	Ship "Coral"		Shadab Duman,		New York,		Malaga,		Ballast,		Otto Frank and Deall,	Otto Frank and Co.	Near Bayona in Spain	4 May,	Priv. Venganza,	Algeiras,			Condemned finally.	
25	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					13 May,	Priv. of Ceuta,	Algeiras,			Condemned finally.	
26	Ship "Coral"		Shadab Duman,		Boston,		Malaga,		Ballast,					22 May,	Priv. of Ceuta,	Algeiras,			Condemned finally.	
27	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					11 June,	P. St. Berna River,	Algeiras,	28 May,		Cl. pros. for damages.	
28	Ship "Coral"		Shadab Duman,		Boston,		Malaga,		Ballast,					13 June,		Algeiras,			Free, sailed 16 June.	
29	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					24 June,		Algeiras,			Condemned—in appeal.	
30	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,							Algeiras,			Clear'd, & sailed 2 July.	
31	Ship "Coral"		Shadab Duman,		Boston,		Malaga,		Ballast,					26 June,		Algeiras,			Clear'd, sailed 17th.	
32	Ship "Coral"		Shadab Duman,		Philadelphia,		Malaga,		Ballast,					27 June,		Algeiras,			Cl. sailed 26 Aug.	
33	Ship "Coral"		Shadab Duman,		Boston,		Malaga,		Ballast,					6 July,		Algeiras,			Cl. sailed 20 July.	
34	Ship "Coral"		Shadab Duman,		Boston,		Malaga,		Ballast,					13 July,		Algeiras,			Clear'd in October.	
35	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					15 July,		Algeiras,			Cl. and sailed 8 Nov.	
36	Ship "Coral"		Shadab Duman,		Philadelphia,		Malaga,		Ballast,					19 July,	Priv. Guerrero,	Algeiras,			Cond. twice—in appeal.	
37	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					20 August,		Algeiras,			Clear'd, sailed 15 Oct.	
38	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					24 August,		Algeiras,			Clear'd, sailed 10 Sept.	
39	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					26 August,		Algeiras,			Clear'd, sailed 18 Oct.	
40	Ship "Coral"		Shadab Duman,		New York,		Malaga,		Ballast,					24 Sept.	*Pr. Galgo, of B.	Algeiras,			Cond. app. abandoned.	
41	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					4 October,		Algeiras,			Clear'd, sailed 10 Oct.	
42	Ship "Coral"		Shadab Duman,				Malaga,		Ballast,					4 October,		Algeiras,			Clear'd, sailed 10 Oct.	
43	Ship "Coral"		Shadab Duman,		Philadelphia,		Algeiras,		Ballast,					20 October,		Algeiras,			Clear'd, sailed 26 Oct.	
44	Ship "Coral"		Shadab Duman,		Baltimore,		Algeiras,		Ballast,					19 Nov.		Algeiras,			Clear'd.	
45	Ship "Coral"		Shadab Duman,				Algeiras,		Ballast,					2 Dec.		Algeiras,			Clear'd.	
46	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					21 Feb. '93.	Gun boats,	Algeiras,			Clear'd.	
47	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					13 April,	Priv.	Algeiras,			Clear'd, sailed 18 Oct.	
48	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					1 Sept.	Let. mar. Bolante,	Algeiras,	11 Sept. '93.	5,500	90,000	Part cargo cond. app.
49	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					8 Oct.	Pr. St. Mich. Vigo,	Algeiras,			Condemned, in appeal.	
50	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					15 April, '93	Priv. of Ceuta,	Algeiras,			in appeal.	
51	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					1 Feb. '99	Gun boats,	Algeiras,			Detained, cl. 26 Sept.	
52	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					15 Nov. '96		Algeiras,			French in co. cond.	
53	Ship "Coral"		Shadab Duman,		Baltimore,		Algeiras,		Ballast,					28 July, '97		Algeiras,			French in co. cl. by S.	
54	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					3 Aug. '97		Algeiras,			French in co. cond.	
55	Ship "Coral"		Shadab Duman,		New York,		Algeiras,		Ballast,					12 Mar. '98		Algeiras,			French in co. compound	
56	Ship "Coral"		Shadab Duman,		Boston,		Algeiras,		Ballast,					17 Ap. '98		Algeiras,			Fr. in co. turned ov. to.	

\* Capt. Cook, of the "Coral," was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. † Chartered at Bordeaux, in March, 1797, for a voyage to Lisbon. ‡ American built—taken in the West Indies, where she obtained a British register. In London was bought by capt. W. Young, New York, and brought to the American coast. Mr. John Codman, of the property—there was also a passport from V. C. Collins, at Dunkirk; and with these papers, capt. W. navigated for 12 months, without interruption either in England, France, or Holland. § The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. ¶ The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. \*\* The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. \*\*\* The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. \*\*\*\* The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. \*\*\*\*\* The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. \*\*\*\*\* The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. \*\*\*\*\* The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. \*\*\*\*\* The vessel was taken on board by the Spanish vessel and cargo vessel sailed 26 Aug. '97,



go.	what con- ted.	Arrival.	Val. ves. dols. U.S.	Val. carg. dols. U.S.	
b. staves,	ras,				Cl. and sailed 7 March.
	ras,				Disappeared same night.
	ras,				Cl. and sailed 15 March.
on, tallow,	ras,				Cl. and sailed 31 March.
n, bale gds.	ras,				*Cl. and sailed 26 Aug.
	ras,				Cl. and sailed 20 April.
					Condemned.
and oil,	te,				Liberated.
ls,					Condemned—appealed.
fruit,					Cond. thrice, with costs.
	ras,				Liberated, sail. 12 June.
	ras,				Liberated, sail. 27 June.
					Condemned—appealed.
					Condemned twice.
iture,					Condemned finally.
					Cleared.
fruit,	co,	28 May,			Cl. pros. for damages.
s,	ras,				Free, sailed 16 June.
bale goods,	ras,		10,500	35,530	Condemned—in appeal.
	ras,				Cleared, & sailed 2 July.
r, &c.					Prosecution for dam.
	ras,				Cleared, sailed 17th.
	ras,				Cl. sailed 26 Aug.
	ras,				Cl. sailed 20 July.
oper,	ras,				Cleared in October.
	ras,				Cl. and sailed 8 Nov.
	vedra,				Cond. twice—in appeal.
	ras,				Cleared, sailed 15 Oct.
oa,	iras,				Cleared, sailed 10 Sept.
	iras,				Cleared, sailed 18 Oct.
	na, Sp.				Cond. app. abandoned.
raisins,	iras,				Cleared, sailed 10 Oct.
raisins,	iras,				Cleared, sailed 10 Oct.
	iras,				Cleared, sailed 26 Oct.
cocoa, pep.	iras,				Cleared.
	iras,				Cleared.
and tobac.	iras,				Cleared.
uma sugars,	iras,				Cleared, sailed 18 Oct.
a, oil, logw.	esella,	11 Sept. '93,	3,500	30,000	Part cargo cond. app.
rch. & bal.	,				Condemned, in appeal.
					in appeal.
mon,	iras,				Detained, cl. 26 Sept.
	iras,				French in co. cond.
	iras,				French in co. cl. by S.
e,	iras,				French in co. cond.
oogwood,	iras,		18,000	92,000	French in co. compound.
, staves,	iras,				Fr. in co. turned ov. to F.

der the lock of there she obtained a British register. In London was bought by capt. W.  
 these names were registered in the British register. In London was bought by capt. W.

*Observations.*

- From K This vessel being taken within the territorial limits of Spain, application for restitution was made to the governour of Havanna, who refused to restore her.
- From Ja  
From Lu Vessel sold at auction, by order of the Spanish government, before a legal trial was had, as stated by the owners.
- From N  
From B  
From C Forcibly seized and detained at Havanna by the officers of the customs.
- From C  
From C  
From C The vessel, as appears by the protest of the supercargo, was anchored near a Spanish fort, and placed under a Spanish guard, but was forcibly taken by the captors from the guard, and fired, and thereby was totally consumed.
- From B Vessel and cargo liberated, but without compensation for loss and detention.
- From K  
From N For being destined to Gibraltar.
- From D Vessel and cargo abandoned to the captors under circumstances of violence.
- From N Vessel and cargo also abandoned.
- S  
I The captain and crew imprisoned and ill treated.  
The commission of the privateer, which was granted by the French agent Houdeville, had expired more than a month previous to the capture.
- From V Vessel and cargo ordered to be sold, and the proceeds to be applied agreeably to the final sentence in this case.
- S  
S From C After a detention of seven months, during which time a trial was pending, it was decreed by the court that the vessel and cargo be restored. The captors appealed. The vessel, however, was finally restored, but in such a decayed situation as rendered her of little value.
- S From L A suit was instituted against the captors, and a decree obtained for the amount of the vessel and cargo, to be had of the captors, who were totally unable to pay.
- H From P  
B From P Commission of the privateer had expired before the capture.
- S From A  
S From L This vessel was not condemned in pursuance of a trial,

*ABSTRACT of the Cases of Capture of American Vessels by Spanish Cruisers, and others under Spanish authority, subsequent to the late Treaty with that government, of which complaint has been made to the government of the United States.*

<i>Vessels Names.</i>	<i>Of what Port.</i>	<i>Masters.</i>	<i>Owners.</i>	<i>Voyage.</i>	<i>Burden.</i>	<i>Cargo.</i>	<i>When taken.</i>	<i>Capturing Vessel.</i>	<i>Port carried into.</i>	<i>Sentence.</i>	<i>Observations.</i>
Sloop Scrub	Middleton, Con.	John Russell	Benjamin Williams	From Kingston to Havana		Rum, negroes and specie,	30 April, 1797	French schooner Revenge	Havana		This vessel being taken within the territorial limits of Spain, application for re-litigation was made to the governor of Havana, who refused to restore her.
Ship Beaver Schooner Marcus		Robert Moore Samuel Moody	George Tyson John M. Moody and others	From Jamaica to the Spanish Maine From Luce in Jamaica to Bath		Rum and sugar	24 August, 1799 17 May, 1799	French schooner Bonaparte Schooner Fortune	Campeachy		Vessel sold at auction, by order of the Spanish government, before a legal trial was had, as stated by the owners.
Ship Hercules Brigantine Atlanta Sloop Rainbow	Newport, R. I. Boston Charleston	C. Henry Hudson Samuel Taylor	Gibbs and Channing Daniel Sergt. and Son William Cook	From Newport to Leghorn From Boston to Leghorn From Charleston to New Orleans		Sugar, tea and nankeens Dry goods, household fur.	18 Aug. 1800 22 Aug. 1801	Spanish zebeck	Algeziras Cartagena Havana	Condemned Condemned	Forcibly seized and detained at Havana by the officers of the customs.
Schooner Sewell Ship South Carolina Ship Columbus	Charleston Charleston New York	Charles Ronewell Paul Post James Woods	Joshua Hargraves Tunno and Price	From Charleston to Bay of Honduras From Charleston to Leghorn From Cadiz to Havana			25 July, 1800 24 June, 1800	1 French and 1 Spanish privateer French schr. called Rights of Man	Vera Cruz Palma Navitas	Condemned	The vessel, as appears by the protest of the supercargo, was anchored near a Spanish fort, and placed under a Spanish guard, but was forcibly taken by the captors from the guard, and fired, and thereby was totally consumed.
Ship Prudence	Boston	William Rogers	Thomas Walter	From Boston to Kingston		Fish and lumber	6 May, 1801	Spanish coaster	Cabannos		Vessel and cargo liberated, but without compensation for loss and detention.
Ship Stag Ship President Brigantine Celia	Norfolk New Bedford Dighton, Mas.	Thomas Dutton Andrew Pinkham Aaron Dean	Thomas Dutton,	From Kingston to Savannah From New York to Gibraltar From Dighton to Havana		Negroes Flour, principally Provisions and lumber	13 April, 1798 30 March, 1801 28 Dec. 1799	French and Spanish schr. Maria	Peurto Cavello Algeziras Mantanzas	Condemned	For being destined to Gibraltar. Vessel and cargo abandoned to the captors under circumstances of violence.
Brigantine Greenwich Ship Orion Brigantine Franklin	Newport New York Wilmington, (D.)	Edward Landers John Farmer Andrew Morris	A. Cray and Son Farmer and Patrick	From Newport to Havana		Provisions, dry goods Sugar, pimento, cochineal	18 Dec. 1799 18 Oct. 1800 16 June, 1799	Schooner Maria Spanish brigantine La Fluka Schooner Bonaparte	Mantanzas Vigo Campeachy	Condemned	Vessel and cargo also abandoned. The captain and crew imprisoned and ill treated. The commission of the privateer, which was granted by the French agent Houdeville, had expired more than a month previous to the capture.
Brigantine Nancy	Baltimore	Philip Arenberg		From Vera Cruz to Baltimore		Cochineal, sugar, specie		The same	Campeachy		Vessel and cargo ordered to be sold, and the proceeds to be applied agreeably to the final sentence in this case.
Schooner Nancy Schooner Lydia	Charleston Baltimore	— Foss		From Charleston to Havana		Rum	28 June, 1800 24 Sept. 1797		Mantanzas Trinidad		After a detention of seven months, during which time a trial was pending, it was decreed by the court that the vessel and cargo be restored. The captors appealed. The vessel, however, was finally restored, but in such a decayed situation as rendered her of little value.
Schooner Nymph	New York	Raymond		From L'Ancevaux to New York		Flour, soap, provisions		Spanish privateer St. Joseph	Navitas		A suit was instituted against the captors, and a decree obtained for the amount of the vessel and cargo, to be had of the captors, who were totally unable to pay.
Brigantine Mero Brigantine Little John Butler	Philadelphia Philadelphia	Hardie James Smith	Reed and Ford,	From Philadelphia to Leghorn From Philadelphia to Havana			23 July, 1801 17 Aug. 1799	Spanish gun boats Privateer Bayonnese	Algeziras Porto Rico		Commission of the privateer had expired before the capture.
Schooner Brother Ship Commerce	Annapolis New London	William Fairfield	James Williams,	From Annapolis to Havana From Jamaica to New London		Provisions, dry goods	28 Dec. 1799	Schooner Maria	Mantanzas Campeachy		This vessel was not condemned in pursuance of a trial, but sold by order of the governor of the province, and the proceeds deposited in the treasury, in order, as was said, to be paid over if a decree to that effect should be obtained in the proper tribunal.

mark, with special satisfaction, those which, under the smiles of Providence, result from the skill, industry, and order of our citizens, managing their own affairs in their own way, and for their own use, unembarrassed by too much regulation, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the carrying trade, which had fallen to our share during the war, was abridged by the returning competition of the belligerent powers. This was to be expected, and was just. But, in addition, we find in some parts of Europe, monopolizing discriminations, which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British parliament, anticipating this subject, so far as to authorize a mutual abolition of the duties and countervailing duties, permitted under the treaty of 1794. It shews on their part a spirit of justice and friendly accommodation, which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries, is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect, or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them, and save them to their country, have found it necessary, in some cases, to return them at the publick charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations, which will doubtless have just weight



in any deliberations of the legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some other of the Barbary powers. A reinforcement, therefore, was immediately ordered to the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea, with the smallest force competent, we have supposed it best to watch strictly the harbour of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved: and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of colour, remain prisoners with them; unless exchanged under an agreement formerly made with the bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the state of Georgia has been ratified by their legislature, and a re-purchase from the Creeks has been consequently made, of a part of the Talassee country. In this purchase has been also comprehended a part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbours, I have proceeded in the work of settling with them, and making the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole within a short time. The country to which their title had been extinguished before the revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging, so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbours, and distant from its support. And how far that monopoly, which prevents population, should here be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settle-

ment too of all existing rights and claims within this territory, presents itself as a preliminary operation.

In that part of the Indiana territory which includes Vincennes, the lines settled with the neighbouring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length, parallel with and including the Wabash. They have also ceded a tract of four miles square, including the Salt Springs, near the mouth of that river.

In the department of finance, it is with pleasure I inform you that the receipts of external duties, for the last twelve months have exceeded those of any former year, and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of government, to pay from the treasury, within one year, upwards of eight millions of dollars principal and interest, of the publick debt, exclusive of upwards of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and an half of principal, and to have now in the treasury four millions and an half of dollars, which are in a course of application to the further discharge of debt, and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by Congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practise every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in some of the states, the officers employed in it are of course out of commission. In others they will be, so shortly; but in a few, where the arrangements for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an act of the last session, for transacting business in Europe relative to debts and loans. Nor have we used the power, confided by the same act, of prolonging the foreign debt by re-loans, and of redeeming, instead thereof, an equal sum of the domestick debt. Should however the difficulties of remit-

tance on so large a scale render it necessary at any time, the power shall be executed, and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestic debt. When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense, we are able, without a direct tax, without internal taxes, and without borrowing, to make large and effectual payments towards the discharge of our publick debt, and the emancipation of our posterity from that mortal canker, it is an encouragement, fellow citizens, of the highest order, to proceed as we have begun in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes; in the mean time, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund, still further to lessen the necessity of recurring to extraordinary resources.

The usual account of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the Secretary of the Treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year, on its present footing, as also of the sums to be employed in fortifications, and other objects within that department, has been prepared by the Secretary at War, and will make a part of the general estimates which will be presented you.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the Secretary of the Navy for another year, will in like manner be communicated with the general estimates. A small



force in the Mediterranean will still be necessary to restrain the Tripoline cruisers : and the uncertain tenure of peace with some other of the Barbary powers may eventually require that force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate : but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a convenient sum towards providing the naval defence which our situation may require, I cannot but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay, which lie in water, and exposed to the sun. These decays require great and constant repairs, and will consume, if continued, a great portion of the moneys destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy yard here a dock, within which our present vessels may be laid up dry, and under cover from the sun. Under these circumstances experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practised for lock navigation, furnishes the means for raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up, as well as for building and repairing vessels, may hereafter be undertaken at other navy yards, offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay, and from these it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed towards its completion may be adapted to the views of the legislature as to naval expenditure.

To cultivate peace and maintain commerce and navigation in all their lawful enterprises ; to foster our fisheries as nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances ; to preserve the faith of the nation by an exact discharge of its debts and contracts. expend the publick money with



the same care and economy we would practise with our own, and impose on our citizens no unnecessary burdens ; to keep in all things within the pale of our constitutional powers, and cherish the federal union, as the only rock of safety ; these, fellow citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these our rule of action, we shall endear to our countrymen the true principles of their constitution, and promote an union of sentiment and of action, equally auspicious to their happiness and safety. On my part you may count on a cordial concurrence in every measure for the publick good ; and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

TH: JEFFERSON.

December 15, 1802.

## DOCUMENTS

### ACCOMPANYING THE FOREGOING MESSAGE.

*Extract of a Letter from James L. Cathcart, Esq. Consul of the United States of America at Algiers, to the Secretary of State. Leghorn, July 2, 1802.*

“THE king of Sweden has protested the bills drawn by Mr. Tornquist to the amount of two hundred and forty thousand dollars, the sum promised by him to the bashaw of Tripoli as the price of peace, and that he has resolved to repel the demand for an annuity of twenty thousand dollars by force of arms, and will send a squadron against Tripoli as soon as he has settled his affairs with Great Britain.

“Many of our merchants and captains dispute the consul’s authority to detain their vessels in port, notwithstanding the national consequences of their capture being fully explained to them. I therefore presume that this point merits the immediate determination of government, and that positive instructions ought to be given to all consuls in the Mediterranean, in order that they may know whether they have power to retain the vessels of their nation in port, as the consuls of all other nations have, or

whether they are to permit them to sail after being informed of war being declared against us by any of the Barbary states."

*Extract from Mr. Letter to Mr. Cathcart, dated at Tripoli from the 12th March, to the 30th April, 1802.*

*Tripoli, March 12, 1802.*

"THE bashaw expects the frigate, formerly commanded by Murad raiz, and blockaded by the ships of the United States at Gibraltar, from Tangier, with a cargo of corn, having sent an ambassador to solicit the favour from the emperor of Morocco."

"Twenty-eighth, was launched a zebeck of 14 guns, which is to be fitted out as a cruiser."

"The bashaw had taken the opinion of his counsellors in writing relative to the American war: only three were opposed to it. Side Mahomet Daguize, the Grand Kaya, and another whom I do not know.

"On the arrival of the American frigates before Tripoli, the bashaw began to reflect on the advice he had received, now the scene is changed, Murad raiz the chief promoter of the war is in very low estimation; his companion raiz Squsy has literally drank himself into the other world about a month ago, and Murad was in a fair way to follow him when a little recollection made him abstain from liquor some days."

"April 22. It is currently reported, that the bashaw intends to fit out five cruisers, three quarter galleys, a guerlingwich or polacre that returned from a cruise with a prize a few days ago, and a zebeck."

"April 30. I have to inform you that two quarter galleys of twenty-eight oars and four carriage guns and four swivels, manned with from fifty to sixty men each, one commanded by raiz Halifa, and the other by raiz Osman Candisto, are ready to sail upon a cruise."

*Extract of a Letter from Mr.                    to Mr. Cathcart. Tripoli, May 10, 1802.*

“On the evening of the 1st inst. the consuls were summoned to the castle, when the bashaw in the presence of the two Swedish officers stated the treatment he had received from Sweden *since* the conclusion of Tornquist’s treaty, and compared his treatment to them *since* that period, and ended his observations, by asking if he had not sufficient reason to declare war against that nation, and then solemnly declared that he never intended to enter into another treaty with Sweden. War was to be declared the next day, nevertheless it was postponed to the 5th inst. in hopes that by continuing the negotiation an accommodation would take place, but the admiral would not listen to any terms but those he proposed which was as follows: ‘The Swedish prisoners to be liberated without ransom; peace to be established without paying any consideration whatever for it as presents or otherwise, upon the same terms as it was before the declaration of war in 1800.’ The admiral alleged, the bashaw, having captured Swedish property to a considerable amount, could not possibly have any claim against Sweden.”

“I know the bashaw of Tripoli has made an effort to conclude a treaty with the United States of America through the medium of Algiers, and I am very much mistaken, if there are not at this moment other plans under consideration, as several of the bashaw’s adherents endeavour to gain his confidence by suggesting them.”

“On the night of the 19th inst. departed two galliots (quarter galleys) to cruise along shore; it is said they are in quest of some American vessels that are at Susa.”

*Extract of a Letter from James Leander Cathcart, Esq. Consul of the United States of America at Algiers, to the Secretary of State. Leghorn, July 4, 1802.*

“You will please to observe that the cruisers of Tripoli have been frequently at sea since the war commenced, and thence conceive the danger our merchant ships have been exposed to. From the returns of our consuls you will be informed of the extent of our commerce in this sea, which

never was so valuable, as it was at the period and since the bashaw of Tripoli commenced hostilities. I have seen twenty-four sail of American vessels in this port at once last year, two-thirds of whom were unarmed. Can the wisdom of government devise no means either to prevent the cruisers of Tripoli from putting to sea, or our merchant ships from passing up the Mediterranean unarmed and without convoy ; is it not possible to prohibit them, (for their own sakes) from coming past Gibraltar unless armed sufficiently to defend themselves when three or four are together, or under convoy of some of our ships of war."

"The bashaw of Tripoli seems disposed to enter into a treaty with us, but upon what terms he has not yet declared. Mr. Eaton informs me, that a proposition of peace on the part of the bashaw of Tripoli came through the bey of Tunis, when it was proposed that the latter should be mediator and guarantee. Mr. Eaton answered that we prefer peace to war, when we can obtain it upon honourable terms, but not otherwise."

*From No. 9. Leghorn, July 15, 1802.*

"On the 10th instant, Mr. Appleton and myself endeavoured to dissuade the masters of vessels, now in port, from sailing until some of our frigates, or those of Sweden arrive to take them under convoy, but without effect. They seem at present, as they ever have seemed, intent upon gain only, without properly appreciating the risk."

CIRCULAR.

*Algiers, June 26, 1802.*

"This morning arrived a Tripoline corsair, and with her a prize, the Philadelphia brig Franklin, captain Morris, who sailed from Marseilles the 8th instant, and was captured the 15th instant adjacent to Carthagera, and another American brig, which was in company got off.

"On the morning of the 21st instant I saw three leagues east of Algiers another Tripoline cruiser with a brig in her possession standing to the eastward. which I take to be an



American vessel—I am trying on what terms I can obtain the ransom of captain Morris and crew, in all nine, and if possible afterwards shall see on what conditions I can get the brig and cargo.

“It is a fact that there is at sea at present six sail of Tripoline cruisers; and it is asserted, that the frigates of the United States and those of Sweden are blockading Tripoli.” Sir, I am, &c.

RICHARD O'BRIEN.

“By comparing this with Mr. Nordeling's letter it would appear, that more cruisers than the two galleys are out; but I can hardly believe it possible, that they could evade the diligence of two squadrons, or that they have enterprize to attempt it without any thing but row-boats such as the galleys.

“Mr. Cathcart, it is reported, heard (but not authenticated by official authority) that lieutenant Sterrett, in the Enterprize, has re-captured a Swede. God send it may be true.”

*Extract of a Letter from Andrew Morris, Captain of the Brig Franklin, to James Leander Cathcart, Esq. Consul of the United States, &c. &c. Tripoli, July 22, 1802.*

I TAKE this early opportunity to inform you of my capture. I sailed with the brig Franklin belonging to Messrs. Summerl and Brown of Philadelphia from Marseilles, with an assorted cargo for the West Indies, on the 8th ultimo, and on the night of the 17th following, then off Cape Palos, was boarded by one of three Tripoline corsairs mounting four carriage and four swivel guns, that sailed from this place on or about the 20th May.—I shall pass over the occurrences of that night, as you are well acquainted with the conduct of these barbarians towards the unfortunate that fall into their hands. They proceeded with the prize to Algiers, where we arrived the 26th, and as I conjecture by the representations of Mr. O'Brien, they were obliged to make a hasty retreat on the 27th following, but not without giving me an additional load of chains. What with calms and contrary winds, we did not reach Biserta in the neighbourhood of Tunis until the 7th inst. where,

after a tarry of five days, we departed, leaving the brig there in charge of their agent, and arrived here on the 19th inst. Through the interference of Mr. Nissen, his Danish majesty's consul here, I have the liberty of the town, and by a lucky event a Mr. Bn. M'Donough has claimed my two officers and one seaman, and has obtained their release as British subjects : two more that were foreigners which I reported as passengers has likewise been liberated ; so that they have only myself and three seamen captives. You will readily agree with me that this will lessen the value of the capture to the bey.

The three galliots are now all in port, they are to sail immediately ; it is said Murad raiz, alias Lisle, is to go in one of them, or in a small Italian polacre of 12 guns."

*Extract of a Letter from William Eaton, Esq. Consul of the United States of America at Tunis, to the Secretary of State. Tunis, December 13, 1801.*

“ ON the 28th arrived the Danish commodore Koefied and a consul Holch, five days from Leghorn. The evening of the 2d ult. they passed at the American house. As the commodore had lately been at Tripoli on a negotiation, it was very natural to inquire of him what seemed to him to be the general sentiment of the Tripolines respecting the American war. He said that it was very unpopular, and that the subjects of the bashaw, chiefly on this account, were ripe for a revolt : they waited for nothing but succour.

“ They clamour against the madness and oppression of their chief, say he makes war on his friends to the destruction of their little commerce, takes all the plunder to himself, and in the issue reduces them to starvation and the loss of their friends, without allowing them the wretched consolation to mourn for those friends when slain ; he forbade the surviving relations to mourn for Sterrett's dead. They almost unanimously desire the restoration of their rightful sovereign, who is a mild man of peaceable dispositions.”

*Extract of a Letter from Richard O'Brien, Esq. Consul of the United States of America at Algiers, to the Secretary of State. Algiers, Feb. 1, 1802.*

“THE Algerine ministry on the 20th January proposed to me, that now as the Tripoline ambassador was here, to settle or arrange with Tripoli; the same time alluded that a little money would be required—I answered I had no orders on this subject, and that I was convinced that the United States would never give any; that we had sufficient of the bad faith of Tripoli. I considered this hint or proposition in order to feel my pulse, to know if I had orders or latitudes.”

*Extract of a Letter from William Eaton, Esq. Consul of the United States of America at Tunis, to the Secretary of State. Leghorn, Feb. 3, 1802.*

“IT may not be improper to mention here, that Thursday, 17th December, lat. 39, 45, spoke snow Fox, of Boston, from Naples, bound to Messina, with very few men, and no guns. The Mediterranean is covered with this kind of adventurers. If individuals will neither have regard to their own safety, nor the general interests of the United States, should not the government interdict this loose manner of hazarding both by legal prohibitions to commerce here without convoy? One single merchantman's crew chained at Tripoli, would be of incalculable prejudice to the affairs of the United States in that regency.”

*Extract of a Letter from Richard O'Brien, Esq. Consul of the United States of America at Algiers, to the Secretary of State. Algiers, June 14, 1802.*

“ON the evening of the 10th inst. arrived here two Tripoline corsairs, and this morning they sailed for the coast of Spain, in search of Americans and Swedes. These two corsairs are two row galleys, with three lateen sails, each having four guns; one a crew of forty men, the other of thirty-five. They are well calculated for rowing and

boarding vessels in calms, or light winds. They say they are about twenty days from Tripoli, sailed with three others ; and those two has coasted it down the Barbary coast to Algiers."

" June 26. This morning at 6 A. M. entered the port of Algiers, a Tripoline corsair, and with her the American brig Franklin, captain Morris, of Philadelphia, with his crew, nine persons, in chains, on board the Tripoline corsair. The Tripoline corsair had her colours flying at each mast head, and kept firing guns. The same time, under her prow was hoisted the American flag reversed—all this I have seen with my own eyes. On this I went to the marine, to the general and minister for foreign affairs : told him, that as the treaty of the United States with Tripoli was under the guaranty of this regency, that if the dey had not power or influence over the government or bashaw of Tripoli ; that the dey had it now in his power, and in his port, and under the eyes of the city, to do me the justice that he had pledged the faith and honour of the regency to do ; that I demanded in the name of the United States, the American brig and cargo, and crew, of this government ; that all was in their port with the Tripoline corsair, that had been supplied here from the 10th to the 14th of June, with all her wants, which enabled her to proceed to sea, and capture Americans.

" To this he answered that the regency's guaranty was intended to be as a mediator, but not to use force ; that now the guaranty could not much be talked of ; that the United States had sent frigates to blockade Tripoli ; had taken last year a Tripoline corsair and crew, and let them go. If we had brought them to Algiers, and given them up to the dey, that he would again settle our affairs with Tripoli with a little money or expense. To this I answered, that the regency had been repeatedly solicited to use their influence before that hostilities had commenced ; that when Algiers had any business of their own, it was respected by Tripoli ; but when any affairs of the United States, I was told that Algiers had not power to command the government of Tripoli to act contrary to its interests ; that timid indeed would the United States be, knowing for eight months before it happened, that Tripoli intended a war of plunder on our commerce ; that we depended on this regency's guaranty, but to give a greater security,



we sent three frigates; to shew our moderation, we let go the Tripoline corsair and crew; that this circumstance the regency well knew of. Finally, he told me he could do nothing without first receiving the dey's orders; that he would do in my favour all in his power. I had known that this said marine minister had encouraged the Tripolines from the 10th to the 14th of June, that if they took any prizes they might bring them into the ports of this regency, and dispose of them."

"I declared publickly that the regency's conduct this day was a breach of faith, and of the treaty which they had made and guarantied to the United States. I next went to the prime minister, had stated to him every thing as I had to the marine minister; he observed if the American frigates was not blockading Tripoli, that Algiers would give up the American brig, cargo, and crew, and send the corsairs of Tripoli out of their ports. That two years past, the Portuguese took an Algerine corsair that the bashaw of Tripoli had got from the Portuguese, the corsair and crew, and sent both as a present to the dey; that this great favour to Algiers would be badly repaid by Algiers taking from the Tripolines the American cargo, brig and crew; that our colours being reversed, was a custom of war; that our corsairs could do the same by Tripoli when we took any of their vessels. I told him the favour rendered by Tripoli to Algiers had nothing to do with their guaranty of the treaty of the United States. That I demanded what was in the power of the regency to perform, and would not forget any service he would render me on this occasion."

"On the morning of the 27th June I went again to the minister of the marine, who informed me, that he had stated to the dey the chief of what I said to him the day before; that the dey said Tripoli and the United States were at war; that this finished his guaranty; that the dey did not think it to be right to take prisoners or prizes from the Tripolines to give to the Americans who were blockading Tripoli. That this was the dey's answer; that I might state it to my government. The same time that the dey would admit of American corsairs to the same favours in his ports as he did to the Tripolines. I observed to this definitive answer of the dey, I had not much more to say at present than what I had repeatedly

stated; that I would fully communicate the same to the government of the United States, and was sorry to observe that our treaty was only adhered to in such parts as was favourable to this regency, and in no respects in any manner to the advantage of the United States. He cautioned me to be prudent; that it was well known to me that a little thing would irritate the dey, and the consequence would be serious; that I well knew the terms the dey had lately obliged the Spaniards to acquiesce in, and that both the British and French would soon share the same fate. I thanked him for his advice, and observed that it made no difference to the United States in what Spain acquiesced, or yet what the dey would do against the British or French; that I was convinced the government of the United States would with regret learn from facts, that Algiers was not the friend of the United States, but an evident friend of Tripoli. He observed that he did not believe that we or any christian nation would keep the peace with Algiers, if we found it more our interest to be at war. I told him that we knew our interest, and the same time would not sacrifice the honour of our nation under any consideration whatever—that the present time admitted of a favourable opportunity of him and the dey, &c. to do me the just favour I required.”

“ The prime minister and Busnach, the dey’s Jew broker, and in fact his principal director, went to the dey at 2 P. M. on the day of the 27th of June, and stated all my arguments to the dey—the same time I sent my dragoman to the dey to request the favour to befriend me on the present occasion; that nine of my countrymen were in chained captivity in his port, on board a Tripoline, with a prize, an American brig; and that the corsair of Tripoli had the American flag reversed at the prow of said corsair; that the same time the dey was the guaranty of the treaty of the United States with Tripoli; that if the dey was not occupied, I should be happy to see him on this occasion.

“ The dey answered that I need not come; that he had the whole business in his mind; and that I would shortly hear the result.

“ On this the dey sends a messenger down to the marine, to the vickelhudge or general of the marine, for him to call the Tripoline captain—that the dey will purchase

the nine Americans, brig, and cargo—that the dey will give for these the sum of five thousand dollars, and that he would write to the bashaw of Tripoli, that this he did, and would remit him the money. After the dey sent this message to the marine, the dey went to his garden—the minister of the marine declared this message to the Tripoline captain, who said that he could only part with the American prisoners by force, having the bashaw of Tripoli's orders; above all things, if he should take any Americans, to take care and land them at some of the out ports; that it was by having possession of them, that his master the bashaw would find thereby means to bring the Americans to peace on Tripoline terms.”

“At mid-day, on the 28th of June, being informed that several Moorish merchants were offering to purchase the brig Franklin and cargo from the captain of the Tripoline—On this information I went to the prime minister, and told him what I heard; he was very angry, said that the business should have been carried yesterday, agreeable to the dey's orders, but that the business was in the hands of a lion (the dey) and that the foxes were looking on, alluding to the Moorish merchants. Shortly after this I heard that the agent of Tripoli went to the dey, and also the Swede dragoman; that the dey got very angry, and ordered both the Tripoline corsairs and their prize, the American brig, to depart the port of Algiers directly. As they were getting under way, I went to the minister of the marine, and told him that this conduct of Algiers was as a friend to Tripoli, and not to the United States; that it was in his power to have done me justice, and that he neglected it. He said he was to obey the dey's orders; that we should have kept a better look out, and not let the corsairs of Tripoli get out. I observed to this, that I was trying to remedy the evil, &c. Had I had his sincere assistance, the business would have been finished yesterday; that at present I had only to detail the whole affair to my government; the result he would be informed of; and that as Tripoli corsairs thus entered with American prizes, into the ports of this regency, that certainly American frigates would frequent this coast, and difficulties would ensue. The Tripoline corsair, and brig Franklin, and captain Morris and crew, left Algiers on the 28th of June, at half past 2 in the afternoon, with a light westerly wind.

destined to the eastward, I suppose for Bona or Tunis, where I hope they will meet one of our frigates. It seems now to be reduced to a certainty, that there is but those two Tripoline corsairs at sea."

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COMMUNICATIONS FROM MOROCCO. ACCOMPANYING THE  
PRESIDENT'S MESSAGE, OF DEC. 15, 1802.

*Extracts of Letters from James Simpson, Esq. Consul of the United States, for Morocco, resident at Tangier, to the Secretary of State. From No. 35. Tangier, Jan. 8, 1802.*

"AT this time, Muley Soliman has not a single vessel of war afloat; at Salle two frigates of about twenty guns are building, and may probably be launched next spring, but he is in want of many stores for them ere they can be sent to sea. At Tetuan, they have lately patched up an old half galley, to carry two bow guns and fifty men, but, if I am to judge from her appearance last May, she is scarce fit to go to sea. This is all the navy.

"When Muley Soliman requested I would procure for his use the mentioned one hundred gun carriages, he particularly mentioned they would be paid for on delivery at this port, as advised in No. 33. I was in hopes Mr. Bulkeley might have been able to contract for them, payable in that way, but he acquainted me they must be paid for in Lisbon, and that he judged they might cost about three hundred and twenty mill rees each. Highly desirous of gratifying his majesty, and having no other means of providing for payment of these carriages, I proposed drawing for the sum, that might be required on account of my salary; this, I trust, at your side, will be admitted as a proof, that nothing in my power to do on this occasion has been wanting, notwithstanding what the emperor and his ministers may suppose. Should government think well of making the emperor of Morocco a present at this time, as a fresh proof of the friendship of the United States, (in the event of his continuing the peace uninterrupted, as I trust will be the case) these



carriages in my opinion, would be more acceptable to him than any thing else; in that case it will be necessary to give Mr. Bulkeley directions respecting the payment of them. Should this measure be determined on, I would with due submission beg leave to recommend a letter being sent by the President to the emperor on the occasion; especially as since recognition of the treaty in 1795, and his letter of the 18th August, that year, no direct communication whatever has been made to his majesty on the part of the United States.

"The Tripoline ambassador or messenger came from thence so long ago, was permitted on Saturday last to proceed for Fez to meet the emperor. This man's business in this country is not precisely known, but will soon be, after he may have an interview with Muley Soliman.

"On Monday the 14th ult. the bashaw sent for me, and after making his secretary and other attendants retire, he told me Muley Soliman was much displeased at my not having obtained for him the gun carriages he had commissioned, adding that the reasons I had alleged in my last letter to the emperor on the subject, were by no means satisfactory, as they appeared to him to be merely excuses. Conscious that I had said nothing but what Mr. Bulkeley had written me, on the part of the carpenter at Lisbon, who had offered to contract to make these carriages, I felt perfectly easy on the occasion; and endeavoured to convince the bashaw that the motive alleged for his majesty's displeasure was groundless, of which he at least seemed to be satisfied. He then said he was also instructed by his majesty, to demand whether I was authorized to make him presents of moment from time to time. I answered, that by the treaty made between Sidy Mahomet and the United States of America, and confirmed by Muley Soliman, no stipulation whatever was made for my government making presents at any stated periods, of consequence that I was without any instructions on that subject.

"The bashaw then told me, Muley Soliman looked upon the Americans as no better friends to him than the Dutch, and that I must consider myself in the same situation as their consul was at that day. Fully satisfied that the government of the United States had given the most ample and unequivocal proofs of friendship to Muley

Soliman, I readily saw that this intimation must proceed either from error, or that it was a prelude to his majesty's making another attempt to get quit of the treaty of 1786, and obtain presents at stipulated periods. On this occasion I beg to refer you to the several letters I had the honour of addressing the Department of State, from Rhabat, between the 15th July and 18th August 1795, and to No. 55 of my Gibraltar correspondence, dated 24th September same year. By these you will see a strong attempt to effect this was at that time made, but that I had the happiness to overcome it, and obtain a recognition of that treaty, under well founded motives in appearance for believing Muley Soliman granted it from a full conviction of its being incumbent on him to do so. Bashaw Hackmawy having stated the American and Batavian governments as standing in the same predicament, in relation to this country, I did not allow him to quit that ground, until I had given him an ample detail of the very early attention the United States paid Muley Soliman, urging that in the choice of the articles chiefly composing their first present, they had given the strongest proof possible of the part they took in his majesty's concerns at that interesting moment, and of their desire that he should overcome the opposition then actually making against his succession. It does not appear necessary to trouble you with all the other arguments at this interview, only to say that, having desired another, the bashaw appointed the 16th in the evening. We accordingly met, and I laid before him in Arabic, a translation of the treaty of 1786, with a copy of the emperor's letter, of 18th August 1795, to the President, confirming it; also lists of the first and second presents I delivered in the name of the United States to Muley Soliman, at Rhabat in 1795, and of that I had also the honour of delivering at Mequinez 1798, on the occasion of shewing his majesty my commission as consul; he perused all these papers with attention, and assured me as in holding these conferences in private, he had given me a proof of his friendship, so I might depend upon experiencing a continuance thereof, and that he would report to his majesty on the occasion. At this second interview not a syllable was said on my retiring from the country, neither have I to this hour heard any more on the subject."

*From No. 37. Tangier, February 20, 1802.*

"I AM happy in saying that up to the present hour, I have not heard a syllable farther, relative to bashaw Hackmawy's communications of 14th December; from which I draw a very favourable conclusion.

"The Tripoline went to the emperor as ambassador, solicited some cargoes of wheat, and is gone to Rhabat with permission to load; but he certainly will not find vessels to charter whilst Tripoli continues blockaded. The emperor having also been solicited to give his assistance towards getting the Tripoline brig, which lays at Gibraltar, sent home, consented to give a crew and provisions for that purpose. A few days ago the governour solicited from the Swedish consul and myself, in his majesty's name, passports for her, which having convinced him it was not in our power to grant, under the actual situation of Tripoli, it was agreed we should write admiral Siderstrom and commodore Dale, on the subject, which has been done."

*From No. 38. March 19, 1802.*

"I CONFIRM that Muley Soliman has agreed to allow wheat to be sent from his country to Tripoli; but I should think it will be next to an impossibility for them to find vessels to charter for that voyage, whilst that port is so notoriously known to be blockaded; whatever may be done in this particular, at any of the emperor's ports, I shall take care to advise the commanders of the frigates on this station of."

*From No. 39. May 13, 1802.*

"YESTERDAY I had certain intelligence of the governour of Rhabat having received his majesty's orders on the 6th inst. for sending a schooner to Darelbeyda immediately to load wheat for Tripoli.

"On the 2d instant the two frigates were launched at Rhabat. I am assured they are pierced for 26 guns each on the main deck; if so they must be much crowded, for no ship of a suitable length, and draft of water for that

force can enter any of the ports of this empire. Nothing that I yet know of has been done towards obtaining the small cruisers it was said his majesty intended to station at this port."

*From No. 40. June 5, 1802.*

"I HAVE the honour to transmit herewith the copy of No. 39, also a translation of the minister's answer to the letter written him on the 25th April by the Swedish consul and myself, on the subject of his majesty's desire of sending wheat to Tripoli, by which you will see he submits the propriety of that measure to the letter of the treaties of Sweden and the United States, with this country. Unfortunately neither make any provision for such a case, nor are blockaded ports mentioned in them. Hitherto none of the shipments have taken place.

"Sunday last the governour sent for Mr. Wyk and me to shew us a letter from his majesty, desiring to know if we were yet authorized to grant passports for that wheat and the Tripoline ship laying at Gibraltar, which of course was answered in the negative.

"It did appear he had been instructed to treat with us upon the subject, in the precise terms of the minister's letter, we however did not fail to repeat to him that all sort of intercourse by sea with blockaded ports was pointedly opposite to the law of nations and common usage at this day. This conference was held in the presence of the commodore of the Tripoline ship, and one of their ambassador's secretaries, who brought the letter from his majesty."

*Translation of a Letter from Sidy Mahomet Ben Absalem Selawey.*

"PRAISE is due to God alone—There is no power or strength but in God.

"To the consuls, Peter Wyk and Simpson—health.

"Your letter reached the high presence of our master (whom God preserve) and I read it to him, also what you say on subject of a passport for the Tripoline ambassador.



"This wheat to be sent belongs to my master; if you allow it to pass, when the ambassador goes, as the property of his majesty, it will be very well. If not you will do what is regular, and is established by the treaties of peace between us and you.

"The governour Hadge Abderhaman Achach will confer with you on this matter. Let what is in the treaties of peace be done.

"Written to you on the 7th day of Muharram 1217 (corresponding to the 10th May 1802.)

"MAHOMET BEN ABSALEM SELAWEY."

*From No. 41. June 14, 1802.*

"No. 40 concluded 10th inst. and forwarded to Gibraltar, I presume is still there, and that this will go from thence with it.

"I have now the honour to acquaint you that yesterday the governour sent for me, to say he had just received a letter from the emperor with orders to acquaint me, that since passports could not be granted for the two cargoes of wheat he wished to send to Tripoli, his majesty had directed the vessels should go to Tunis, which I was happy to hear, as by that means we get rid of what threatened to be a very unpleasant piece of business.

"In the evening, at the request of the governour, I wrote his majesty to explain again the powerful motives why I could not sanction vessels going to Tripoli, but that I was ready to grant the usual certificates for those his majesty might direct to be laden with cargoes, his property, for Tunis."

*From No. 42. June 17, 1802.*

"It is with great concern I am under the necessity of acquainting you, that either the information given the Swedish consul and myself on Sunday last, respecting his imperial majesty having consented to allow his wheat vessels to go to Tunis, was extremely fallacious on the part of the governour of Tangier, or the emperor must have speedily repented of having taken that resolution.

"This morning the governour sent for me again, to say he had fresh instructions from his majesty, with orders to

demand from me passports for those vessels to go direct to Tripoli, and in case of refusal that I was to quit the country, adding that the letter was written in such strong terms as must prevent his consenting to any mitigation.—After a very long conference he at last, however, allowed me time to write to commodore Morris at Gibraltar, which I am now about to do fully.”

*From No. 43. Gibraltar, June 26, 1802.*

“WITH this I beg leave to enclose a copy of 42, and am extremely sorry to add the intelligence of my having been compelled by the governour of Tangier to retire from thence on Thursday evening, in consequence of positive orders from his imperial majesty to that effect † received on the evening of the 22d, accompanied with advice of his having declared war against the United States.

“I had another interview with the governour of Tangier, when I succeeded in obtaining his promise to suspend again the execution of his majesty’s orders received on the 16th for my expulsion, until he could represent to his majesty the impossibility he was then satisfied had always existed to my granting the required passports, since the commodore could not sanction them.”

*From No. 44. Gibraltar, July 3, 1802.*

“I HAVE now to acquaint you, that yesterday I received a letter from the governour of Tangier, dated 30th June, advising that his imperial majesty (in answer to the letter he wrote on the 22d) had directed that I might be permitted to remain there six months; adding that in consequence, I was at liberty to return to my house in Tangier, or not, as I should see fit.”

*Extracts of a Letter from James Simpson, Esq. Consul of the United States, &c. for the Kingdom of Morocco, to the Secretary of State. Gibraltar, July 16, 1802.*

“I HAVE the honour of transmitting with this duplicate of No. 44, also a copy of the letter I wrote the governour of Tangier, in answer to that I mentioned to have received from him. On same sheet is extract of a letter from the

Danish consul at Tangier, to me, containing substance of what the governour encharged him to communicate by way of reply to my letter to him; all which I beg leave to submit to your perusal.

"In constant hope of seeing the Adams, upon mature consideration, I thought as I had been expelled the country, and the alarm given of danger to the American flag, it was best wait her arrival, and receipt of the instructions I fully depend on receiving by that ship, before I closed with the governour's proposal of returning to Tangier, or entirely reject it; by this I was guided in the answer I gave to his letter, and it is satisfactory to see the determination meets his entire approbation.

"My friend at Rhabat writes me, under 25th July, that the equipment of the two frigates there, goes on but slowly; but at Tetuan I find they make all despatch with the two galleys, and that this day week, guns, anchors, and cables, were sent from Tangier by a moor's boat for him."

*Copy of a Letter from James Simpson, Esq. Consul of the United States, &c. for the Kingdom of Morocco, to the Governour of Tangier. Gibraltar, July 5, 1802.*

SIR,—I have received your excellency's letter of the 29th last moon, advising me his imperial majesty Muley Soliman had been pleased to direct that I might remain in Tangier six months. Had that order reached you, previous to my being compelled to retire from his majesty's dominion, I should certainly have availed of it. The frigate we expected from America has not yet reached this place; the moment she arrives I will do myself the honour of writing his imperial majesty, and in the mean time, I beg you will be fully assured, my best endeavours will continue to be exerted for a renewal of peace and good friendship between his imperial majesty and America.

*Extract of a Letter from Mr. Shausborn, Danish Consul General, dated Tangier, July 9, 1802, to James Simpson, Esq. the American Consul.*

"Your esteemed favour of the 5th inst. is duly come to hand, with the enclosed letter for the governour of this place. I delivered it in his own hand, and according to

your request, explained to him the contents of it. In answer, he desired me to tell you, that he found you were in the right, and that he would not neglect, by the first opportunity, to inform his majesty that he had written to you a very good letter, and that he had got still a better answer."

*Extract from Same to the Secretary of State. Tangier, July 27, 1802.*

"I HAD the honour to receive, by capt. Campbell, of the Adams, the letter you wrote me on the 30th April, to which I must pray you will excuse my replying at length this morning. It was considered by commodore Morris and myself proper, that I should pass over to this place for the purpose of more speedily and effectually making the communications you encharged me with for his imperial majesty, on part of the President.

"In the mean time I have to acquaint you that the frigate at Larach lays quite ready for sea, and that her commander left this place on Sunday, fully authorized to capture American vessels."

*From Same to Same. Tangier, August 3, 1802.*

"THE 27th last month I had the honour of addressing No. 46 to you, with advice of my return to this country—original was sent commodore Morris, and duplicate via Lisbon. Last night I returned from Tetuan, after having had an interview with Hadge Abderhaman Hashash, who confirmed to me that the ship mentioned to be ready at Larach, was destined to detain American vessels as well as others; and shewed me his majesty's original letter written by himself, authorizing Hashash to give directions to the captain for that effect, the ship to be placed entirely under his direction.

"Hashash did not long hesitate ere he proposed to withdraw the authority he had given for the Larach ship taking Americans, provided I would grant the captain the usual certificates given by consuls to the emperor's cruisers, that he might put to sea; but that I positively refused, or to sanction any vessel whatever belonging to the emperor going to sea in any degree armed, until such time as



his majesty should see proper to give the most positive declaration of his being at peace as heretofore with the United States. After many arguments on both sides, Hashash promised me he would recommend to his majesty to desist from his hostile intentions against the United States.

“Accordingly it was agreed both him and me should immediately write his majesty; and enclosed with this I have the honour of transmitting copy of my letter, which I beg you will be good enough to lay before the President, together with this despatch, for his information on what has been done. At this moment I have the highest gratification in saying, I enjoy hopes of a speedy accommodation; but at same time, although I have the conscious satisfaction of knowing, that every exertion possible in my power has been made for paving the way for it, even during the time I was at Gibraltar, by endeavouring to gain my friends near the emperor over to our interest, yet I must candidly say, had there not been a naval force at hand to keep their cruisers in port, I very much doubt if all I could have done, would have been attended with that success, I now so much hope for.”

May it please your Majesty,

WITH all due respect and deference I beg leave to write your imperial majesty this letter, and to express my sincere wish, it may meet your majesty in the enjoyment of perfect health, which I pray God long to continue.

After having retired from your majesty's dominions, in consequence of your orders communicated to me for that effect, by your servant Hadge Abderhaman Hashash, it is with the highest satisfaction I have returned, for purpose of laying before your majesty the contents of a letter received from the Secretary of State of the United States of America, replete with expressions of the respect and particular regard the President of the said United States entertains towards your majesty.

That letter was written on the 30th day of April, corresponding with the 28th Dulhajja of last year. I have it in particular charge thereby, to assure your imperial majesty, in the name of the President, how very highly he regards your majesty's faithful observance of the peace established between your royal father (who is in glory) and

the United States : the interruption has happened since that letter was written, I trust I may be allowed to hope, will speedily be done away.

I farther beg leave to represent to your majesty, that having found it impossible to obtain from Europe the 100 gun carriages your majesty was pleased last year to desire I would endeavour to provide for you, (as I had the honour of advising your majesty at that time) it became my duty to represent that disappointment to the government I serve. The President, desirous of giving your majesty a proof of his friendship, immediately directed that one hundred gun carriages, such as your majesty desired me to procure, should be made, and sent by a vessel to Tangier for your majesty's use, so soon as they could be finished. Although the great distance of America from this country, necessarily occasions considerable delay to answers on any subject submitted from hence, and of consequence that this determination of the President has been long in reaching your majesty, yet I fully persuade myself your majesty will see in his ready attention to send to your majesty what appeared would be acceptable, a strong proof of the sincere intention of the government of the United States, faithfully to maintain not only peace, but the strictest friendship and good harmony with your majesty.

I purpose waiting at Tangier to receive such answer as your majesty shall be pleased to order to be written to this letter, in full reliance your majesty will now be pleased to shew equally friendly sentiments towards the United States, and issue orders for annulling the declaration of war made against them, that peace may be restored, and their ships of war stationed in these seas, again respect in all cases your majesty's flag.

In fulfilling my duty, by making these friendly communications, on the part of the government of the United States, I beg your majesty will be persuaded, I have sincere satisfaction ; since it has ever been, and shall be my constant endeavour to promote peace, harmony, and good friendship, between this country and America.

I pray the Almighty God to preserve your majesty many years in health and prosperity, and beg leave to subscribe myself, with the highest respect and veneration,

May it please your majesty, your majesty's most obedient, and devoted humble servant,

[L. S.]

JAMES SIMPSON.

Tetuan, July 31, 1802.

*His Imperial Majesty Muley Soliman, Ben Mohamet, Ben Abdallah, Ben Ismael ; Sheriff, Emperor of Fez, Mequinez and Morocco, &c. &c. &c.*

*From Same to Same. Tangier, Aug. 12, 1802.*

"ORIGINAL of No. 47 was forwarded by way of Lisbon, duplicate and triplicate under cover of Mr. Gavino at Gibraltar, each accompanied by a copy of the letter I wrote the emperor from Tetuan. I have now the honour of enclosing with this translation of the answer I received last night to that letter, by which I am concerned to find new ground taken, likely to be productive of some trouble with his imperial majesty. A great consolation is, that the pretension of frequent embassies is totally founded in error, for no such arrangement, as is pretended, was made by me with the late minister, Sidy Mohamet Ben Ottoman ; nor has any thing of that nature ever been moved or hinted at, since the period alluded to, namely, 1795."

#### TRANSLATION.

*In the name of the merciful God.—*

THERE is no power or force but that proceeding from the great and most high God.

TO JAMES SIMPSON—Consul of America.

Your letter reached the high presence of our master, (whom God preserve,) and he was thereby informed of the orders you had received from the American nation.

Our master's pleasure is, that you return to your house ; and he has given his orders accordingly, that you may remain as you have hitherto, but in the exercise of your office, and herewith goes the order for that effect to Alcayde Abderhamen Hashash—so return to your house.

His majesty also orders me to acquaint you, that he still adheres to what you stipulated with Sidy Mohamet

Ben Ottoman, (to whom God be merciful,) which is, that your nation shall send each year one of your people to the high presence of our master, with your present; but if it be difficult for you to come every year, by reason of the distance of your country, you will come once in every two years.

Upon this the convention with your nation was made, and the treaties signed. If you abide by this agreement and fulfil it, you will be as you were, and your attentions will increase our friendship; and if you do not fulfil it, you will see how you will have to settle your matters. What has happened to you now has been occasioned by your own tardiness and neglect in this particular, but our master, (whom God preserve,) now forgives all that, and do you on your part, as justice directs, and God will assist you.

Written by order of our master, (whom the Almighty God has exalted,) on the seventh of Rabis á Tany 1217, (corresponding with the 6th August, 1802,) by his servant, Mehammed Ben Absalem Selawy, encharged with the affairs of foreign nations, whom God purify of his sins—Amen.

[L. S.]

Translated from Arabic to Spanish by Dr. Manuel de Bacca, professor of the former language—and from Spanish, by

JAMES SIMPSON.

Tangier, August 12, 1802.

*From No. 49. Tangier, September 3, 1802.*

“ WITH this I have the honour of transmitting copy of the letter I wrote the minister on the 1st inst. It will afford me much satisfaction to know, what I have said on subject of the emperor’s pretension, meets the approbation of his excellency the President. I have stated only facts, and thought best to reserve copy of my letter of the 18th July 1795 to the then minister, and that of Muley Soliman’s to the President on the 18th August following, as vouchers more proper to be exhibited in support of my arguments, and in opposition to what farther may be alleged



on the part of this government, on subject of what they thought fit to advance, rather than now.

“The business of bringing the Tripoline ship from Gibraltar under the emperor’s flag, has been again agitated, and a general application made by Alcayde Hashash to the consuls here, for passports for her as belonging to his majesty, to sail from hence for Tripoli : I positively refused mine in these terms, nor do I find any has been granted ; but it is certain, men have been ordered from Tetuan for her, and that she is to hoist colours at Gibraltar so soon as the weather will allow these people to get over.

“I have acquainted captain Campbell of the Adams frigate, that in my private opinion the whole is a colourable business, but if the emperor announces to the body of the consuls that the ship is his and demands passports accordingly, merely to go to sea and navigate as his, I really do not see how I dare return to contest the matter ; or from circumstances to express doubts on what is stated by the sovereign of the country as a fact, without running a great risk of drawing serious resentment on the commerce of the United States.”

*Copy of a Letter from James Simpson, Esq. Consul of the United States, &c. to his Excellency Sidy Mehammed Ben Absalem Selawy, Secretary of State, &c. &c. &c. Fez.*

SIR,—I have received the letter you wrote me, in answer to that I had the honour of addressing his imperial majesty, from Tetuan. In that letter you acquainted me it was his majesty’s pleasure I should remain in this place, and exercise the functions of my office as heretofore, as that the necessary orders had been given for that effect, to the governour Alcayde Abderhaman Hashash. Very much desirous of seeing perfect harmony subsist between this empire and the United States of America, and at all times ready to contribute thereto as far as in my power, I did not hesitate at again hoisting their flag on my residence in Tangier, in testimony of the return of peace, and notified to his excellency the President, his majesty’s friendly dispositions in this particular.

I also gave the necessary information on the subject to the commanding officer of the American ships of war, sta-

tioned in these seas, and granted passports for his majesty's frigate Mirboha, and schooner Miribha, that they might put to sea and navigate in safety.

I beg you will have the goodness to represent these matters to his imperial majesty, with an assurance from me that he will always experience from the government of the United States, and their agents, an equal readiness to correspond with every disposition his majesty may be pleased to shew, for maintaining an uninterrupted peace between the two nations. At same time speaking with that sincerity ought to guide the representatives of nations, I cannot help expressing to you with what surprise and concern I observe the farther communication you make me by order of his imperial majesty, stating his expectation of annual embassies accompanied with presents from the United States of America.—You are pleased to say it was so stipulated with the late Sid Mohamet Ben Ottoman.

I beg you will tell me where, and by whom such engagement was made, for I am a perfect stranger to it.

What I know of the matter is, that in the year 1795, when I had the honour of being sent by the government of the United States to his imperial majesty Muley Soliman at Rhabat, for the purpose of congratulating him on his happy accession to the throne of his ancestors, and for obtaining a recognition of the treaty made at Morocco, between his majesty's father Sidy Mohamet Ben Abdallah and the United States of America, his majesty was pleased to ratify that treaty, without any addition or alteration; in fulfilment of his father's engagement, made in the name of the Almighty, that it should continue in full force for fifty years from the first day of Rhamaden in the year 1200, on which it was signed.

His majesty's letter on that occasion to the President of the United States, bearing date the 2d of Zafar 1210, was delivered to me by Sid Mohamet Ben Ottoman, and declared that his majesty was at peace, tranquillity and friendship with America, in the same manner as his father (who is with God) was, to which the government of the United States have ever faithfully corresponded.

By that treaty, there is no stipulation whatever for embassies being sent, or presents made by either the one government or the other, as you will see by the copy of it in Arabic. I delivered it to Sid Mohamet Ben Ottoman,

on the 12th July, 1795, at Rhabat. I have seen it my duty to transmit to the government, I have the honour to represent in this country, three several copies of your letter on this important subject, by different conveyances, to guard against miscarriages; and I wait to receive such orders as his excellency the President shall see fit to give me on the occasion.

I have lately received information that two seamen, part of the crew of the American ship stranded three years ago near Cape Nun have escaped from the Arabs, and are now with the governour of Tarudaunt. I have to request you will have the goodness to transmit me a letter to that gentleman, directing him to allow these unfortunate people to proceed to Mogadore, in order that my agent there, Mr. Peter Guyer, may send them to their own country. Alcaide Hashash having signified to me his majesty's wish to be provided with some more American rice, I have given the necessary directions to the consul at Gibraltar to send me a supply, so soon as he can get any of a quality proper for his majesty's use.

It will at all times afford me particular pleasure to obey such commands from his majesty.

I avail of this opportunity of renewing my assurances of respect, and beg you will be persuaded, I am, &c.

*Extract of a Letter from Consul Simpson, to Consul Garvino. Tangier, September 27, 1802.*

I AM happy to tell you that some matters in discussion with this country have already been so far explained, and misconceptions on the part of this government done away. as leaves me no room to apprehend longer a necessity of having recourse to America for instructions, as every matter is in the fairest train of perfect accommodation, and I hope the gun carriages will come just in time to settle every thing, at least for some years, until they think of something else to ask for.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. DECEMBER 22, 1802.

I now transmit a report from the Secretary of State, with the information requested in your resolution of the 17th instant.

In making this communication, I deem it proper to observe that I was led by the regard due to the rights and interests of the United States, and to the just sensibility of the portion of our fellow citizens more immediately affected by the irregular proceeding at New Orleans, to lose not a moment in causing every step to be taken which the occasion claimed from me ; being equally aware of the obligation to maintain in all cases the rights of the nation, and to employ for that purpose those just and honourable means which belong to the character of the United States.

TH : JEFFERSON.

*Report of the Secretary of State, to the President of the United States.*

THE Secretary of State, to whom the resolution of the House of Representatives of the United States of the 17th instant was referred by the President, has the honour to enclose to him the letters and communications annexed, from the governour of the Mississippi Territory, the governour of Kentucky, and from William E. Hulings, formerly appointed vice consul of the United States at New Orleans. In addition to this information on the subject of the resolution, it is stated from other sources, that on the 29th of October, American vessels from sea remained under the prohibition to land their cargoes ; and that the American produce carried down the Mississippi could be landed only on paying a duty of six per cent. with an intimation that this was a temporary permission. Whether in these violations of treaty the officer of Spain at New Orleans has proceeded with or without orders from his government, cannot as yet be decided by direct and positive



testimony ; but it ought not to be omitted in the statement here made, that other circumstances concur with the good faith and friendship otherwise observed by his catholic majesty, in favouring a belief that no such orders have been given.

JAMES MADISON.

Department of State, December 21, 1801.

*New Orleans, October 18, 1802.*

SIR,—I have the honour to enclose you an extract from a decree this day published by the intendant of the province of Louisiana, by which you will see that the Americans are no longer permitted to deposit their merchandize in this city. No information of any other place being appropriated for an American deposit, is yet given ; nor have we any reason to hope that the government has such place in view. The season for the cotton from the Natchez, and other produce from the settlements higher up, to come down approaches. The difficulties, and risks of property that will fall on the citizens of the United States, if deprived of their deposit, are incalculable ; their boats being so frail, and so subject to be sunk by storms that they cannot be converted into floating stores, to wait the arrival of sea vessels to carry away their cargoes.

The port is also this day shut against all foreign commerce, which can only be carried on by Spanish subjects in Spanish bottoms.

I am, sir, with the greatest respect,

WM. E. HULINGS.

The Hon. James Madison, Esq. Secretary of State.

*Extract from a Publication made October 16th, 1802, by Juan Ventura Morales, Intendant of the Province of Louisiana, &c.*

N. B. The preceding part of the publication relates only to the ratification of peace, and the shutting of the port against foreign trade.

## TRANSLATION.

As long as it was necessary to tolerate the commerce of neutrals which is now abolished, it would have been prejudicial to the province, had the intendant, in compliance with his duty, prevented the deposit in this city of the property of the Americans, granted to them by the 22d article of the treaty of friendship, limits, and navigation, of the 27th October, 1795, during the limited term of three years.

With the publication of the ratification of the treaty of Amiens, and the re-establishment of the communication between the English and Spanish subjects, that inconvenience has ceased. Considering that the 22d article of the said treaty takes from me the power of continuing the toleration, which necessity required; since after the fulfilment of the said term this ministry can no longer consent to it without an express order of the king: Therefore, and without prejudice to the exportation of what has been admitted in proper time, I order, that from this date the privilege, which the Americans had of importing and depositing their merchandize and effects in this capital, shall be interdicted: And that the foregoing may be publickly known, and that nobody may allege ignorance, I order it to be published in the usual places, copies to be posted up in the publick sitioes; and that the necessary notice be given of it to the officers of finance, the administrator of rents, and otherwise as may be necessary.

The present being given under my hand, and countersigned by the underwritten notary of finance, pro tempore, in the office of intendancy of New Orleans, October 16, 1802.

JUAN VENTURA MORALES.

By order of the Intendant,

PEDRO PEDESCLAUX.

Faithfully translated from the Spanish Language,  
JACOB WAGNER,  
Ch. Clk. Dep. State.

*Near Natchez, Oct. 29, 1802.*

SIR,—I have the honour to enclose you a letter, which I last evening received from Mr. Wm. E. Hulings, together with a translation of an extract from a publication made by Juan Ventura Morales, intendant of the province of Louisiana, &c. dated October 16th, 1802. These despatches announce that the port of New Orleans is shut against foreign commerce, and also the *American deposit*.

Not understanding from the intendant's proclamation, whether or not another place on the banks of the Mississippi had been assigned by his catholick majesty, (in conformity to our treaty with Spain,) for "*an equivalent establishment*," I have by letter (a copy of which is enclosed) requested information *upon this point* from the governour general of the province of Louisiana; when his answer is received, it shall be forwarded to you.

This late act of the Spanish government at Orleans has excited considerable agitation at Natchez and its vicinity. It has inflicted a severe wound on the agricultural and commercial interests of this territory, and will prove no less injurious to all the western country.

There being at present an interruption in the post between this territory and Tennessee, and supposing it of importance that the government should be early apprized of the late event at Orleans, I have forwarded this letter by express to Nashville, where it will be deposited in the mail.

I am, sir, with sentiments of esteem and respect, your humble servant,

WILLIAM C. C. CLAIBORNE.

The Hon. the Sec'y of State for the U. States.

*New Orleans, October 13, 1802.*

SIR,—I have to announce to you that this day the port is shut against foreign commerce, and not against foreign commerce only, but against the *American deposit* in this city. In the decree posted up in the publick places, no

mention is made of any other place appointed for a deposit. You will use this information as you may think proper.

I am, with great respect, your most obedient humble servant,

WILLIAM E. HULINGS.

Wm. C. C. Claiborne, Gov. Mississippi Territory.

*Natchez, Oct. 28, 1802.*

Sir, I was this day informed, that in a proclamation issued on the 16th instant by the intendant of the province of Louisiana, it was announced, "That the citizens of the United States should no longer be permitted to deposit their merchandises and effects in the port of New Orleans."

Information of an event so immediately interesting to the citizens of the United States, led me to peruse attentively "The treaty of friendship, limits, and navigation, between the United States of America and the king of Spain," and upon advertng to the 22d article, I found it expressly declared, that "his catholick majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence, without paying any other duty, than a fair price for the hire of the stores; and his majesty promises either to continue this permission, if he finds during that time, that it is not prejudicial to the interest of Spain, or if he should not agree to continue it then, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment." I have here quoted the words of the treaty, and find them too explicit to require comment, or to admit of a doubtful construction.

If, therefore, his catholick majesty has discontinued his permission to the citizens of the United States to deposit their merchandises and effects at the port of New Orleans, will your excellency be good enough to inform me whether any, and what other place on the banks of the Mississippi has been assigned (in conformity to the treaty) for "an equivalent establishment." The subject of this inquiry is so interesting to the commerce of the United States, and



to the welfare of her citizens, that I must request your excellency to favour me with an *early answer*.

Accept assurances of my great respect and high consideration.

W. C. C. CLAIBORNE.

His Excellency Manuel de Salvado,  
Gov. Gen. of the Province of Louisiana.

*The Governour of Kentucky to the President of the United States. State of Kentucky, Frankfort, Nov. 30, 1802.*

SIR,—Two days ago I received the enclosed letters from Dr. James Speed, and Meeker and Co. from New Orleans; together with a copy of a proclamation issued by Juan Ventura Morales, intendant of the Spanish government of Louisiana; and which I do myself the honour to enclose, for your information. The citizens of this state are very much alarmed and agitated; as this measure of the Spanish government will (if not altered) at one blow cut up the present and future prosperity of their best interests by the roots. To you, sir, they naturally turn their eyes, and on your attention to this important subject their best hopes are fixed. Permit me to request, you will give me information on this business, as soon as you can say with certainty, what we may rely on; and let my solicitude on this occasion, be my apology for this request.

With sentiments of respect, &c.

JAMES GARRARD.

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## REPORT

ON THE MEMORIAL OF SUNDRY INHABITANTS OF WILMINGTON, IN THE STATE OF NORTH CAROLINA. JANUARY 26, 1803.

THE committee to whom was referred the memorial of the inhabitants of the town of Wilmington and its vicinity, in the state of North Carolina, Report—

That the system of policy stated in the said memorial to exist, and to be now pursued, in the French colonial

governments, in the West Indies, is fraught with danger, to the peace and safety of the United States.—That the fact stated to have occurred, in the prosecution of that system of policy, demands the prompt interference of the government of the United States, as well legislative as executive.

The committee therefore recommend that the said memorial be referred to the Secretary of State, to be laid before the President—and in pursuance of the authority granted to them, herewith report a bill which is submitted.

*To the Honourable the Congress of the United States.*

THE memorial of the undersigned, inhabitants of the town of Wilmington, in the state of North Carolina, and of the vicinity thereof, respectfully sheweth—

That it doth appear to have become the policy of the governments established by the French over several of their islands in the West Indies, to expel therefrom all negroes and mulattoes, to whom emancipation shall be accorded. That in the prosecution of this system, the executive authorities in said islands (of Guadaloupe particularly) have shewn a determination by force or by fraud, to have those people introduced into the United States. That in fact the danger to be apprehended from affording an asylum to such persons, has operated so powerfully on the European powers holding islands in the West Indies, or establishments on this continent, as to produce an absolute and effectual prohibition from landing them on any part of their respective territories. That, therefore, the United States having become the dernier resort for enabling the French colonial governments to clear the islands of a species of population too obnoxious to be tolerated, there is reason to dread, (unless the most prompt and decisive measures are adopted to counteract and repel the designs of those governments) that the peace and safety of the southern states of the Union will be greatly endangered.

Your memorialists think it necessary to state to your honourable body, in proof that their apprehensions on this head are well founded, that the schooner Fair Play recently arrived in this port from Guadaloupe, having on

board five persons of the above description, which the executive of that island compelled the captain of said schooner to bring away.

With the fullest confidence that your honourable body will condescend to give to the above representation the consideration which its importance demands, and that they may expect from your wisdom such measures as may be effectual in the premises—Your memorialists will ever pray, &c.

Wm. Campbell, Timothy Bloodworth, James Walker, John Loudon, Jno. Walker, Geo. Hooper, D. Mallett, C. D. Howard, Joseph Dean, Robert Morton, Geo. Canning, A. Jocelin, Henry Urquhart, Wm. Giles, John Lord, A. J. De Rosset, Jno. Shuter, Sam. R. Jocelyn, Rd. Langdon, Kingsley Thurber, John Calhorde, Alx. D. Moore, Isaac Smith, D. Smith, Almand Hall, David Anderson, Evan Jones, Jno. Scott, Wm. Nutt, C. Dudley, N. Hill, James W. Walker, Jno. M. Gabie, John Macauslan, Robert Camock, John Barrett, Jas. Walker, Joshua Potts, Chas. Livingston, John Poisson, Jona. Aveny, Mears Levy, Gilbert Geer, O. Kenan, R. Mitchell, John Brown, R. Everitt, J. Wilkings, Carleton Walker, Alexr. Hostlen, C. P. Pelham, A. M. Isaacks, Henry Young, Thomas Robeson, Benj. M. Gause, Thomas Cowan, Jos. G. Wright, Robert Dorsey, Thos. F. Davis, Thomas Jennings, J. Hartman, Sam. Bloodworth, Duncan Ray, Thomas Torrance, Rowland Craig, Sam. Shuter, H. Halsey, William Green, Cha. Carrol, Rd. Bradley, Frs. Fontaine, Daniel M'Kenzie, Daniel M'Phail, Thos. Callender, T. N. Gautier, Jacob Levy, Henry B. Howard, P. Mallett, A. Lazarus, John Allen, Jas. Holmes, Sam. Morgan, Anthy. B. Todmer, John Maclellan, William Keddle, Geo. Jennings, Hanson Kelly, James Allen, Hy. Horkins, Jno. Henderson, Rich. Lloyd, Jno. Maltester, B. Roberts, Adam Tabac, Peter Harris, James Telfair, A. T. Brown, Alex. Peden, Jas. Carson, Thos. Fitzgerald, J. Bernard, B. Jacob, Thos. Smith, Sam. Swann, Geo. Gibbs, W. H. Beatty, Jesse Wingate, Wm. Browne, D. Jones, Wm. Harriss, Thomas Sonerd, Nehemiah Harriss. Daniel M'Neal.

## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE  
HOUSE OF REPRESENTATIVES. DEC. 30, 1802.

IN addition to the information accompanying my message of the 22d instant, I now transmit the copy of a letter on the same subject, recently received.

TH: JEFFERSON.

*Washington, Dec. 30, 1802.*

SIR,—Although an informal communication to the publick of the substance of the enclosed letter may be proper for quieting the publick mind, yet I refer to the consideration of the House of Representatives, whether a publication of it in form might not give dissatisfaction to the writer, and tend to discourage the freedom and confidence of communications between the agents of the two governments.

Accept assurances of my high consideration and respect.

TH: JEFFERSON.

The Speaker of the House of Representatives.

*House of Representatives of the United States, Jan. 7, 1803.*

RESOLVED, That this house receive with great sensibility the information of a disposition in certain officers of the Spanish government at New Orleans to obstruct the navigation of the river Mississippi, as secured to the United States by the most solemn stipulations:—

That adhering to that humane and wise policy which ought ever to characterize a free people, and by which the United States have always professed to be governed; willing at the same time to ascribe this breach of compact to the unauthorized misconduct of certain individuals, rather than to a want of good faith on the part of his catholic majesty; and relying, with perfect confidence, on the vigilance and wisdom of the Executive, they will wait the issue of such measures as that department of



the government shall have pursued for asserting the rights and vindicating the injuries of the United States :—holding it to be their duty, at the same time, to express their unalterable determination to maintain the boundaries, and the rights of navigation and commerce through the river Mississippi, as established by existing treaties.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. FEB. 23, 1803.

I LAY before you a report of the Secretary of State on the case of the Danish brigantine *Henrick*, taken by a French privateer in 1799, retaken by an armed vessel of the United States ; carried into a British island, and there adjudged to be neutral, but under allowance of such salvage and costs as absorbed nearly the whole amount of sales of the vessel and cargo. Indemnification for these losses, occasioned by our officers, is now claimed by the sufferers, supported by the representations of their government. I have no doubt the legislature will give to the subject that just attention and consideration which it is useful as well as honourable to practise in our transactions with other nations, and particularly with one which has observed towards us the most friendly treatment and regard.

TH : JEFFERSON.

THE Secretary of State has the honour to report to the President of the United States, upon the note of the minister of his Danish majesty, dated on the 9th instant, as follows :

That it appears that the Danish brigantine *Henrick*, captain Peter Scheele, sailing from Hamburgh, loaded with an assorted cargo, and bound to Cape Francois, was captured on the 3d of October, 1799, by a French privateer.

and on the 8th of the same month, she was re-captured by an American publick armed vessel, called the *Pickering*, and carried to the British island of St. Christopher, where she arrived on the 10th.

That from an authenticated transcript of the proceedings in the case of the said vessel, had before the court of vice admiralty at the said island, it appears that the said court took cognizance of the case, and awarded one half of the gross amount of the sales of the brig and her cargo to be paid to the re-captors, and the other half, after deducting costs and expenses, to be restored to the owners. That this rate of salvage appears to have been adopted from the laws of the United States, as then applicable to re-captures of American property, and of such as belonged to belligerent powers in amity with the United States; but it is believed that these laws had, according to decisions of our own courts, no reference to re-captures of neutral property. That admitting, what has received the sanction of some recent authorities, that in certain peculiar cases of danger of a neutral being condemned by a belligerent, the re-captors are entitled to a proportionate salvage, there is much reason to believe this is not such a case, as the vessel was bound from a neutral to a French port, the whole of the property being neutral, and according to the assurance of Mr. Lindemann, the governour of the Danish West India islands, most of the Danish vessels carried into Guadaloupe for a year before this capture were released, and some of them with damages. That the courts of the United States have in cases much more strongly marked by circumstances indicating a danger of the neutral being condemned, allowed much smaller rates of salvage.

That the laws of the United States required vessels captured under their authority to be brought within their jurisdiction; and it is conceived that it was the duty of the American officers in this case to repel the attempt of the foreign judicatory to take cognizance, much less ought they to have directly submitted their re-capture to its decision, which as it could not be revised or rectified, in case of error, by the tribunals of their own country, might tend to involve it in claims on its responsibility from others.

That, according to the representation of the agent for the owners of the Danish vessel of the sum of \$44,500, the value of the vessel, freight and cargo, there remained, after satisfying the decree for salvage and expenses, no more than \$8,374 41 cents.

That as the policy and interest of the United States lead them in a special manner to respect and promote the rights and facilities of neutral commerce ; as the sentence in this case was permitted, if not procured by officers of the United States, to be made in a foreign and therefore improper tribunal, as there remains no doubt but that a court of the United States pronouncing thereon, would either have rejected the claim for salvage altogether, or reduced it to the most moderate scale, as the declared basis of the sentence, viz. the law of the United States, was inapplicable to the case ; and as it is understood, that a remedy is now unattainable in the ordinary judicial course, it is the opinion of the Secretary of State, that under all the circumstances, the case ought to be referred to the just provisions of Congress thereon.

All which is respectfully submitted.

JAMES MADISON.

Department of State, February 22, 1803.

*Saint Christopher,—In the Court of Vice Admiralty.*

I, William Henry Male, deputy register of the acts and deeds of his majesty's courts of vice admiralty of the said island, do hereby certify to all, to whom these presents shall or may concern, that the several pages hereunto annexed, being in number seven, do contain a true copy of all the proceedings, vouchers, papers and exhibits (except the monition which appears to have been duly issued, but has since been mislaid) filed in the cause of the brig Hendrick, Peter Skeel, master, her tackle, apparel, and furniture, and the goods, wares, and merchandises, laden on board thereof, taken by the United States brig of war Pickering, Benjamin Hillier, Esq. commander, and libelled in the said cause, as lawful prize ; and that the same have been carefully examined with the originals by me.

In testimony whereof, I, the said William Henry Male, deputy register as aforesaid, have hereunto set my

hand, and the worshipful John Garnett, Esq., judge surrogate of the said court, hath also affixed the seal of the same court of Basseterre, in the said island of Saint Christopher, this fifteenth day of September, in the year of our Lord one thousand eight hundred.

W. H. MALE, Deputy Register.

JOHN GARNETT, [L. s.]

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH  
HOUSES OF CONGRESS. OCTOBER 17, 1803.

To the Senate and House of  
Representatives of the U. States.

IN calling you together, fellow citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede, in your minds, all private considerations.

Congress witnessed, at their last session, the extraordinary agitation produced in the publick mind, by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made, according to treaty. They were sensible, that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress; but reposing just confidence in the good faith of the government, whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed, whilst so important a key to the commerce of the western country remained under foreign power. Difficulties too were presenting themselves as to the navi-



gation of other streams, which, arising within our territories, pass through those adjacent. Propositions had therefore been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such extent as was deemed practicable ; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the President of the United States, intended as a part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance, to both nations, of such liberal arrangements as might best and permanently promote the peace, interests, and friendship of both ; and the property and sovereignty of all Louisiana, which had been restored to them, has, on certain conditions, been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the Senate, they will, without delay, be communicated to the Representatives for the exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western states, and an uncontrolled navigation through their whole course, free from collision with other powers, and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest, to take those ulterior measures which may be necessary for the immediate occupation, and temporary government of the country ; for its incorporation into our Union ; for rendering the change of government a blessing to our newly adopted brethren ; for securing to them the rights of conscience and of property ; for confirming to the Indian inhabitants their occupancy and self government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be laid be-

fore you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians, with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighbouring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids, in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to, and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country, should future circumstances expose that to foreign enterprize. As the stipulations in this treaty also involve matters within the competence of both Houses only, it will be laid before Congress so soon as the Senate shall have advised its ratification.

With many of the other Indian tribes improvements in agriculture and household manufacture are advancing, and with all, our peace and friendship are established on grounds much firmer than heretofore. The measure adopted, of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities at such moderate prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect on them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress, with a view to the Mediterranean service, have been sent into that sea; and will be able more effectually to confine the Tripoline cruisers within their harbours, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground, in the north-eastern and north-western angles of the United States, has evinced that the boundaries, established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse, subsisting between the two nations, to remove, by timely arrangements, what unfavourable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarcation of those limits, to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the Secretary of the Treasury, so soon as the receipts of the last quarter shall be returned from the more distant states. It is already ascertained that the amount paid into the treasury, for that year, has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term, exceeds the sum counted on as sufficient for our current expenses, and to extinguish the publick debt within the period heretofore proposed.

The amount of debt paid, for the same year, is about 3,100,000 dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and an half of dollars, of the principal of that debt, besides the accruing interest : and there remain in the treasury nearly six millions of dollars. Of these, 880,000 have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress under the power and accountability of the President, towards the price of New Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our publick debt, most of which is payable after fifteen years ; before which term the present existing debts will all be discharged by



the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of impost, from increasing population and wealth, the augmentation of the same revenue, by its extension to the new acquisition, and the economies which may still be introduced into our publick expenditures, I cannot but hope that Congress, in reviewing their resources, will find means to meet the intermediate interest of this additional debt without recurring to new taxes: and applying to this object only the ordinary progression of our revenue, its extraordinary increase, in times of foreign war, will be the proper and sufficient fund for any measures of safety or precaution, which that state of things may render necessary, in our neutral position,

Remittances for the instalments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power, given by a former act of Congress, of continuing them by reloans, and of redeeming, instead thereof, equal sums of domestick debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars, appropriated by Congress for providing gun boats, remains unexpended. The favourable and peaceable turn of affairs, on the Mississippi, rendered an immediate execution of that law unnecessary; and time was desirable, in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars, contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations, with which we have the most friendly and useful relations, engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind providence, which, inspiring with wisdom and moderation our late legislative councils, while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on, and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace, will not be exempt from all evil. In the course of this conflict, let it be our endeavour, as it is our interest



and desire, to cultivate the friendship of the belligerent nations by every act of justice, and of innocent kindness ; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none ; to establish in our harbours such a police as may maintain law and order ; to restrain our citizens from embarking individually, in a war, in which their country takes no part ; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not our own ; to exact from every nation the observance towards our vessels and citizens of those principles and practices which all civilized people acknowledge ; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us, efficaciously, to maintain this course, with our citizens in all places, and with others, while within the limits of our jurisdiction ; and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits, and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as their wisdom and regard for justice, leave us in reasonable expectation, that they will be rectified and prevented in future ; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them, and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with, of pursuing, at a distance from foreign contentions, the paths of industry, peace and happiness ; of cultivating general friendship, and of bringing collisions of interest to the umpire of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt individually the views, the interests and the conduct

which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow citizens, that you will duly estimate the importance of neutral dispositions towards the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration, indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions, in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests, now committed to you, will give *you* an opportunity of providing, and *myself* that of approving and of carrying into execution with the fidelity I owe to my country.

TH: JEFFERSON.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. OCT. 21, 1803.

IN my communications to you, of the 17th instant, I informed you that conventions had been entered into with the government of France for the cession of Louisiana to the United States. These with the advice and consent of the Senate, having now been ratified, and my ratification exchanged for that of the first consul of France in due form, they are communicated to you for consideration in your legislative capacity. You will observe that some important conditions cannot be carried into execution, but with the aid of the legislature; and that time presses a decision on them without delay.

The ulterior provisions, also suggested in the same communication, for the occupation and government of the country, will call for early attention. Such information, relative to its government, as time and distance have permitted me to obtain, will be ready to be laid before you within a few days. But as permanent arrangements for

this object may require time and deliberation, it is for your consideration whether you will not forthwith make such temporary provisions for the preservation, in the mean while, of order and tranquillity in the country, as the case may require.

TH : JEFFERSON.

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## MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE  
TO CONVENTION WITH GREAT BRITAIN RESPECTING BOUNDARY. OCT. 24, 1803.

[See Vol. Confidential Documents.]

END OF VOL. IV.









